

# COMMISSION MEETING SIGN IN SHEET

Date: 20 April 2016

PLEASE PRINT NAME

ITEM #

EMAIL

PHONE

WARD #

Michelle Cunningham

Consent E

doughnutdilemma@gmail.com

802-923-6746

Jess Ackerman

ack.jesse@gmail.com

802-343-4720

Sharon Bushor

Consent

Sharon.Bushor@VAMED.NET.ORG

802-734-7000

1

Soon Kwon

42-42 Sol. Are  
appeal

SoonKkwon@gmail.com

(802) 578-0457



**CITY OF BURLINGTON  
DEPARTMENT OF PUBLIC WORKS**

645 Pine Street, Suite A  
Post Office Box 849  
Burlington, VT 05402-0849  
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802.863.0450 TTY  
[www.burlingtonvt.gov/dpw](http://www.burlingtonvt.gov/dpw)

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**William P. Burns**  
*Traffic Foreman*

To: Burlington Public Works Commission  
From: Billy Burns, Traffic Foreman *W.P.B.*  
Re: **Landscaping Services 2016**

On March 30, 2016, at 12:00 p.m. The Burlington Public Works Traffic Department opened the Landscaping Quotes for the 2016 summer season. Public Works had requested quotes for Landscaping Services for the City flowerbeds for one season of service. The Traffic Department sent the Request for Landscaping Services to six companies in the area and the Burlington Parks and Recreation Department.

We received two quotes back.  
OrganiCare Landscapes total quote was \$23,650  
Pinnacle Properties total quote was \$24,400

Background – On the two bids received this year; the incumbent Pinnacle Property and a new organization called OrganiCare. Pinnacle has been performing the work for the last 9 yrs, and has largely been the only submitter in the past. OrganiCare is a relatively new company that has previously focused on fertilizer and some house landscape work in developments.

In order to review the two submissions, we formed a source selection panel consisting of Pat Cashman, Dan Hill and myself. In the exercise of the selection panel we individually scored each proposal based on price, quality of prior like-work as per references, experience with projects of this scope, years' experience and prior work with the city.

Of the two submissions received the proposal from Organicare was at lower cost by \$750 in savings below the Pinnacle proposal (~\$24K), however their lack of like work experience, limited scope of prior work, and no work history with the city led us to select Pinnacle for this work. With a contract of this size and duration we felt the risk of a wholly new company working in a new area of work was significant, however encouraging OrganiCare to continue to bid on city contracts in order to build a reputation and work history would obviously serve us well in the long run by having more competitors for this contract in the future.

As stated we have worked with Pinnacle Properties in the past and they do quality work in a timely manner. We will offer the contract to Pinnacle Properties.

Last year's winning quote was \$24,400

Thank you.

# Code Enforcement DPW appeal hearing

**40/42 Colchester Avenue**



3 items  
introduced  
by CODE

# Code Enforcement Timeline of inspections at this property

DATE	ACTION	INSPECTOR/STAFF	DEFICIENCIES
7/7/2015	Routine Housing Inspection	Tim Ahonen /Patti Wehman	24 Items
7/16/2015	Order Sent	Sybil Thomas	
7/24/2015	Follow-up Inspection	Tim Ahonen/Bill Ward	25 Items
7/29/2015	Order Sent	Sybil Thomas	
8/12/2015	2nd Follow-up Inspection	Tim Ahonen/Bill Ward	25 Items
8/14/2015	Order Sent	Sybil Thomas	
8/31/2015	3rd Follow-up Inspection	Tim Ahonen/Bill Ward	19 Items
1/8/2016	Order Sent for November	Sybil Thomas	UNDER APPEAL
1/27/2016	Appeal received on 1/8/16 order		
1/28/2016	Inspection for compliance date 1-28-16		

## There were 25 deficiencies at the November 2015 inspection

7 of those deficiencies are from Division 5 of the housing ordinance  
and are subject to appeal review by the Public Works Commission

- Item #6 of 25 –Missing handrails on stairs
- Item #7 of 25 –Unsafe egress path –hole in the ground in window well
- Item #8 of 25 –Unreasonable/excessive accumulations in storage closet
- Item #9 of 25 –Path of egress obstructed
- Item #13 of 25 –Smoke/CO detectors not interconnected – COMPLIED
- Item #19 of 25 – Fire alarm system tested with deficiencies – COMPLIED by Fire Marshall -2016
- Item #3 of 25 – Front door step



40 b (Item 6 of 25)  
Missing handrails on stairs

Finding: Egress stairways without handrails in 40b. (See supplemental report dated December 30, 2015 attached)

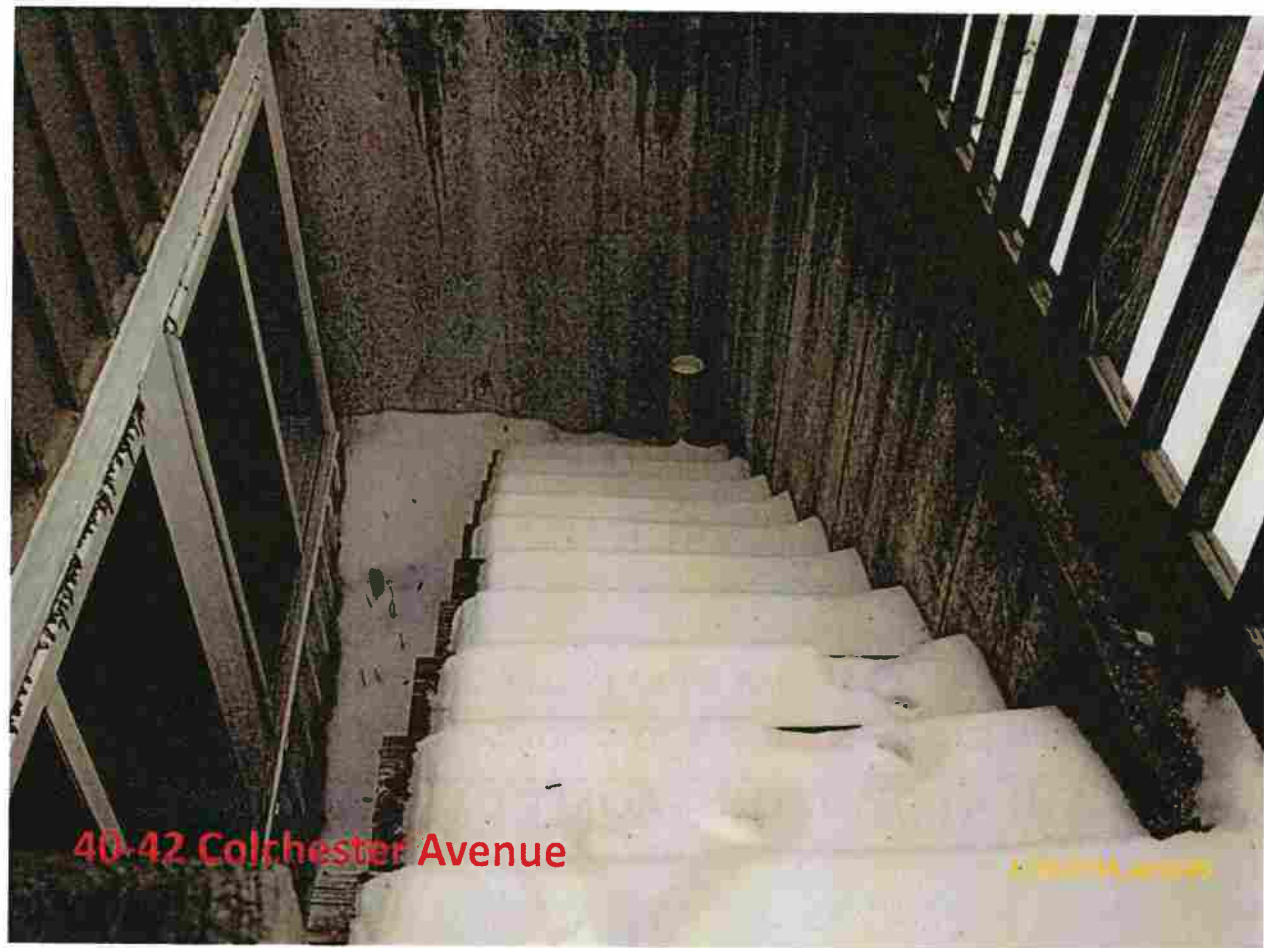
Remedy: Install handrail to code: 34 to 38 inches above surface of tread, 1 1/4 to 2 inches in diameter. Building permit may be required.

Code Section: Means of egress

18-95 Egress paths shall be safe to use and shall conform to the requirements of the City building code.

Non Complied –Violation not corrected

Conditions observed  
on 12-30-15–  
Photo taken by  
William Ward





Conditions observed on 3-16-16—  
Photo taken by William Ward





Conditions observed on 4-20-16  
Photo taken by William Ward



Unit/Area

40 b (Item 7 of 25)

Finding: Required egress path unsafe or unusable: egress window route on east side has a hole in the ground over one foot deep. The stairs are rickety and the shed roof impedes egress by being below the required clear headroom of 6 feet 8 inches. (See supplemental report dated December 30, 2015 attached)

Remedy: Repair and maintain safe and stable egress path to code at all times.

Code Section: Means of egress

18-95 Egress paths shall be safe to use. All required fire escapes shall be structurally sound and maintained safe and useable and free of snow and ice.

8-31-15 Inspection STATUS: Non Complied –Violation not corrected

Conditions observed  
on 8-31-15 –  
Photo taken by  
William Ward

Photo depicts the view of the escape  
window well on Northeast side of the  
building



Conditions observed on 10-6-14  
Photos taken by William Ward



Photos depict the interior of the escape window well on the northeast side of the building and a close up of the hole in the ground





Photos depict the interior of the escape window well on the northeast side of the building. The photos were taken by Inspector Tim Ahonen and they are a fair and accurate representation of what I observed on 1-28-16.



40 b (Item 8 of 25)

Finding: Unreasonable quantities of accumulated and stored materials on premises; There is a closet in 40 b heaped with building supplies no space to walk. (See supplemental report dated December 30, 2015 attached)

Remedy: Reduce accumulations of stored materials. Maintain premises free of excessive accumulations. Storage area to be orderly and free of combustible or hazardous materials. Mr. Kwon a big pile of stuff with no order or any room to step through is not acceptable.

Code Section: Interior accumulations and storage

18-96 Highly flammable or explosive matter, such as paints, volatile oils and cleaning fluids, or combustible refuse, such as wastepaper, boxes and rags, shall not be accumulated or stored on residential premises except in reasonable quantities consistent with normal residential use.

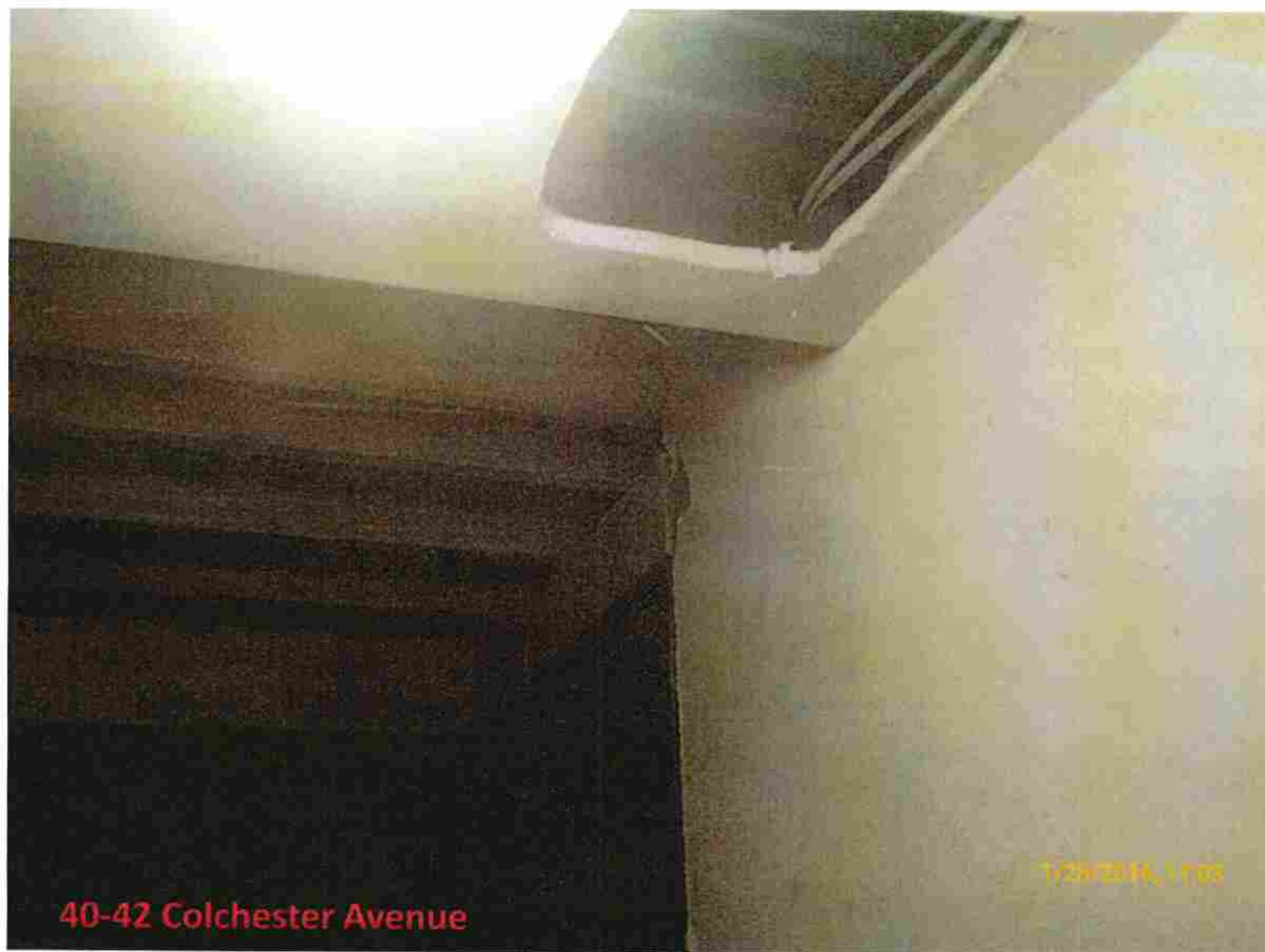
8-31-15 Inspection STATUS: Non Complied –Violation not corrected

Conditions observed  
on 7-24-15 -  
Photo taken by  
William Ward





Conditions observed on 1-28-16 -  
Photo taken by William Ward



Conditions observed on 1-28-16 -  
Photo taken by William Ward



40 b (Item 9 of 25)

Finding: Path of egress is obstructed or otherwise unsafe rear exit from 40b obstructed by storage in hallways, missing light bulbs, and passes through boiler room exterior door not proper size. (See supplemental report dated December 30, 2015 attached)

Remedy: Remove obstructions and maintain safe path of egress at all times. Building permit required to replace door.

Code Section: Means of egress

18-95 Each first and second floor dwelling unit shall have one safe, continuous and unobstructed means of egress from the interior of the unit to the exterior at a street or to a public open space or area at grade. Dwelling units on the third floor and above shall have at least two safe, continuous and unobstructed means of egress from the interior of the unit to the exterior at a street or to a public open area at grade.

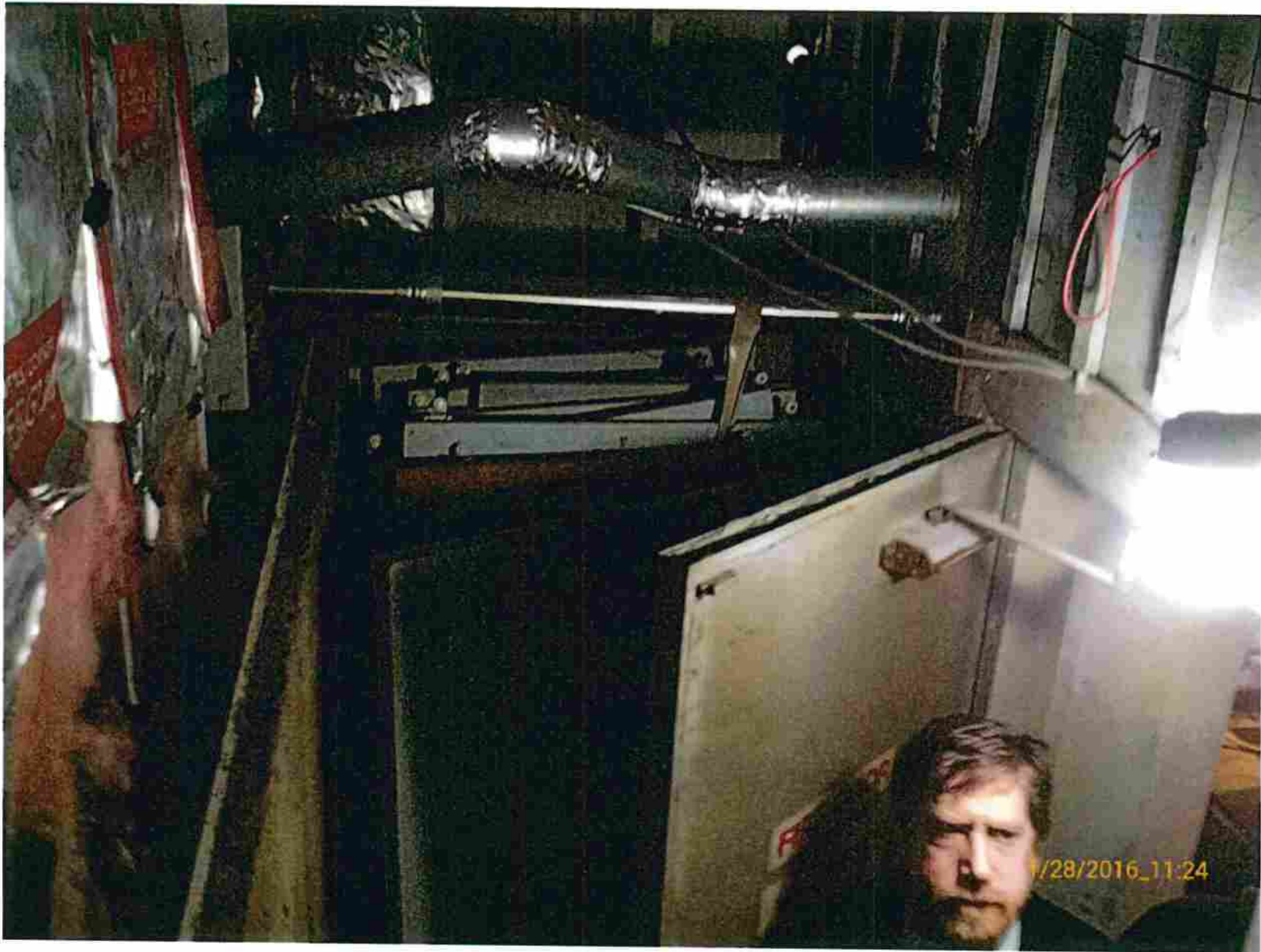
8-31-15 Inspection STATUS: Non Complied –Violation not corrected

Conditions observed  
on 8-31-15 -  
Photo taken by  
William Ward



Video taken by William Ward on 8-31-15  
showing the exit path through the door  
marked “Fire Door EXIT”





Conditions observed on 1-28-16  
Photo taken by William Ward



Finding: Alarm units in apartment 42 not talking to each other. (See supplemental report dated December 30, 2015 attached)

Remedy: Electrician needed to diagnose and repair problem so that alarms meet code. Each alarm must signal all of the others.

Code Section: Smoke detectors

18-99 AC/DC interconnected smoke detectors shall be installed inside and outside every bedroom and on every level of the dwelling unit.

FINALIZED CITY OF BURLINGTON ELECTRICAL PERMIT REQUIRED.

**Status: Complied on 8-31-15**

Conditions observed  
on 7-24-15 –  
Photo taken by  
William Ward



This issue was found in compliance on  
8-31-15



Conditions observed on 8-31-2015 - Photo taken by William Ward

Unit/Area

fire alarm system

(Item 19 of 25)

Finding: Fire alarm system not maintained in proper operating condition- not inspected. (See supplemental report dated December 30, 2015 attached)

Remedy: Inspect required fire alarm system and maintain in proper operating condition at all times.

Code Section: Fire protection systems

18-98 All required fire protection systems and equipment including fire alarms and fire suppression systems shall be maintained in proper operating condition.

8-31-15 Inspection STATUS: This condition is being referred to the Fire Marshal

Conditions observed  
on 8-31-2015  
Photo taken by  
William Ward





Close up of previous  
photo of the fire alarm  
panel

Conditions observed  
on 8-31-2015  
Photo taken by  
William Ward

**VERMONT FIRE & BUILDING  
SAFETY CODE  
PROOF OF INSPECTION**

INSP. NO. **14-23993**

W. Teher 2014  
MONTH

VIOLATIONS  
☒ YES ☐ NO ☐ CORRECTED

**DIVISION OF FIRE SAFETY  
VERMONT DEPT. OF PUBLIC SAFETY**

**MS-5210UD**  
**FIRE CONTROL/COMMUNICATOR**

40 -42 Colchester Avenue

Conditions observed on 2-18-16 - Photo taken by William Ward



This item was determined to be in compliance on 1-28-16

# E-mail received from Burlington Fire Marshal on 4-15-16

**From:** Barry Simays  
**Sent:** Friday, April 15, 2016 7:34 AM  
**To:** William Ward  
**Subject:** 40-42 Colchester Ave fire alarm

Bill,

Permit FA 16-036-R-NC for fire alarm system deficiency repairs (from the annual test and inspection) was tested, inspected, and closed yesterday. All noted deficiencies were repaired and the proof of inspection sticker was updated as "corrected" by the technician.

Thank you,

BC Barry Simays, CFI, IAAI-FIT  
Fire Marshal  
Burlington Fire Department  
132 North Avenue  
Burlington, VT 05401  
(802) 864-5577  
(802) 658-7665 (Fax)  
[bsimays@burlingtonvt.gov](mailto:bsimays@burlingtonvt.gov)



Unit 40 a, 42 (Item 3 of 25)  
Steps to exterior Front Door

Finding: Exterior door not maintained in sound condition and good repair; cracked and loose concrete on stoops, the thresholds were improperly repaired. (See supplemental report dated December 30, 2015 attached)

Remedy: Replace or repair exterior door threshold/step. Maintain in sound condition and good repair to code.

Code Sections: Means of egress/Stairways and porches

18-95 Egress paths shall be safe to use and shall conform to the requirements of the City building code.

18-74 Stairways and porches: Every inside and outside stair, porch, railing and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be put thereon and shall be kept in sound condition and good repair. Specifically, all stairs and other exit facilities of every structure shall be maintained in sound condition and good repair by replacing treads and risers that are worn, broken, warped or loose.



Photo taken by  
William Ward  
on 7-24-15



Photo taken by William Ward on 7-24-14



Photo taken by William Ward on 8-01-15





Photo taken by William Ward on 1-28-16 with inset close up of the bubble on the level

# Requested action from the Public Works Commission

1. Uphold the Code Enforcement decision that the deficiencies ordered to be corrected were valid.
2. Require that the order be complied with and the deficiencies that have not been corrected be corrected to meet code requirements.

Folder Property People Info Fee Process Document Insp. Request Comment Attachment

Violation

+ Add Query Refresh + Add to Links View

?

## 2016 217559 000 00 BP Building Permit

Type BP Building Permit

Status Issued

Sub Type (R) Multi-Family

Parent ID

Work Other

Row ID 304287

Group Construction Permits

### Primary Property

Address 40-42 Colchester Avenue,

Burlington, Vermont, 05401, USA

Parcel ID 045-4-011-000

PropID 6358

Folder Unit

Location 4834 00

### Tracking Dates and Reference Information

In Date Jan 29, 2016

Issue/Approve Jan 29, 2016

Expires Jan 28, 2019

Ref. No.

By Ned H. Holt

Final Date

Name 40-42 COLCHESTER AVE

Priority

### Description

Replace window well stair sytem with approved fixed ladder system for egress in compliance with NFPA 101:7.2.9.2 AND ANSI A14.3. Ladders shall not interfere with the operation of the egress windows in any part thereof.

### Conditions

Email



# GUARDRAIL & HANDRAIL ON STAIRS

NFPA 101

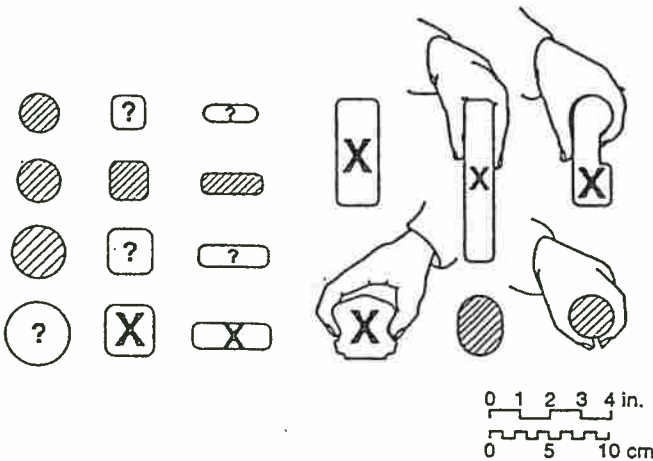


42 INCH GUARDRAIL  
34-38 INCH HANDRAIL  
(VERTICLE MEASUREMENTS ABOVE TOE OF TREAD)

**FIRE PREVENTION DIVISION****CODE INFORMATION SHEET****STAIRS / GUARDS AND HANDRAILS**

One or two handrails are required on all stairs. The handrail must not be less than 34 inches or more than 38 inches above the leading edge of treads.

Handrails shall have a circular cross section with an outside diameter of at least 1-1/4 inches and not greater than 2 inches. ( NFPA 101 section 5-2.2.4.5 )



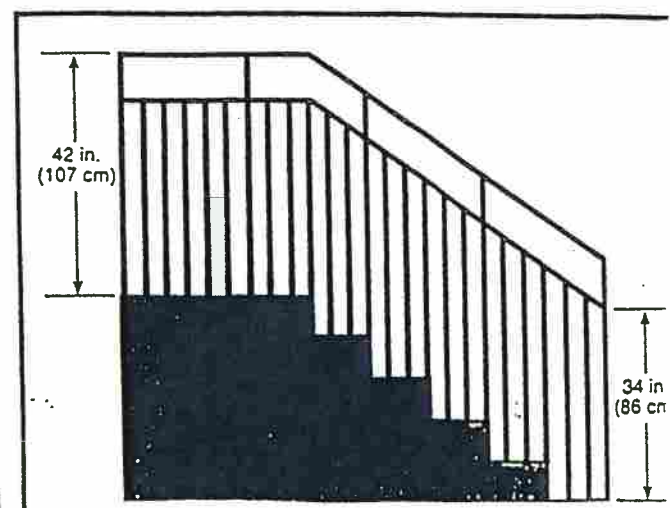
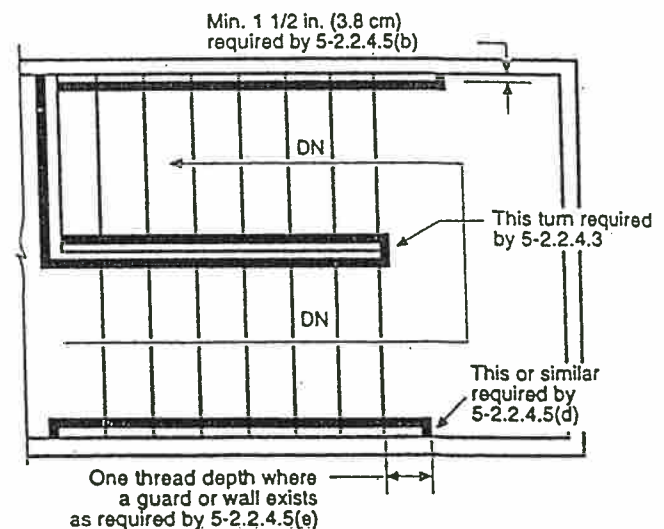
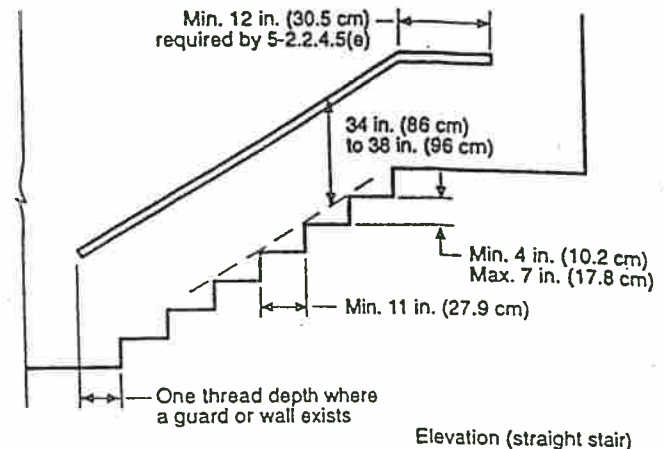
A guardrail is required on open side of stairs, landings, or elevated decks having a 30 " height above the ground or floor below.

The height of the guardrail must be not less than 42 inches measured from the adjoining walking surface. Intermediate rails or balusters are also required at 4-inch intervals ( NFPA 101 Section 5-2.2.4.6 )

The maximum riser height for new residential stairs must be 7 3/4 -inches and the minimum tread depths, measured nose to nose, must be 10-inches. ( NFPA 101 Section 21-5.1 Exception # 3 )

The maximum riser height for new stairs in apartment buildings must be 7 -inches and the minimum tread depths, measured nose to nose, must be 11inches. ( NFPA 101 Section 5-2.2.2.1 (a) )

The minimum width of the stairs must be 36- inches, if the occupant load is fewer than 50. Also the minimum headroom must be 6 feet 8 inches. ( NFPA 101 Section 5-2.2.2.1 )





**WARD & BABB**  
ATTORNEYS-AT-LAW  
A Trade Name for a Professional Corporation

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WILLIAM B. TOWLE  
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ELAINE M. SARKISIAN

PARALEGAL:  
JO RICHER

April 20, 2016

Chapin Spencer  
Director of Public Works  
Department of Public Works  
PO Box 849  
Burlington, VT 05402-0849

**RE: 40-42 Colchester Avenue**

Dear Mr. Spencer:

Mr. Kwon outlines the salient points he will make during his presentation on April 20, 2016 regarding to the re-inspection at 40-42 Colchester Avenue, including but not limited to inspection number 295388.

Mootness: We believe the exception to the doctrine of mootness relied upon by the Commission in its April 18, 2016 *Findings, Conclusions & Order* is incorrect. Specifically, the U.S. Supreme Court case of *Friends of the Earth, Inc. v. Laidlaw Env. Services*, 528 U.S. 167 (2000) involved an application for declaratory and injunctive relief, as well as civil penalties. The Supreme Court reversed the Fourth Circuit's finding of mootness, noting among other issues that the doctrine of mootness does control when the activity is "capable of repetition yet evading review." *Id.* at 190.

But this analysis does not apply to the case at bar. This is not an appeal of a municipal ticket which alleges certain infractions on a certain date. This is an appeal of an inspector's order to comply and this is a *de novo* hearing. The Commission's ruling is not an affirmation of the inspector's determination, it is instead the Commission's own ruling in which the Commission, as the quasi-judicial body, substitutes its order for the inspector's order. As such, any appeal is of the Commission's order, not of the underlying letter written by the inspector. See V.R.C.P. 74.

Under these circumstances, it makes little sense for the Commission to order things done which have already been done. That is the essence of mootness and we believe it applies to this case.

2 items  
introduced  
by Appellant



*The Egress Stairs*

Mr. Kwon purchased this property decades ago and converted a commercial building into these residences beginning in 1998. These existing window egresses have been continuously approved by the City for well over a decade. There have been no changes in the windows. These egresses are, and continue to be, safe.

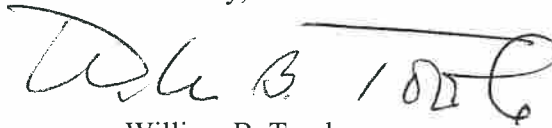
Nonetheless, Mr. Kwon has received a permit to change the existing stairs to ladders.

*Each Bedroom Has Two Egress Routes*

Each bedroom has both the standard egress (via the door) and an exit through the window and fire egress stairs. There is a third and extra egress for all apartments through the boiler room. We believe that this route is superfluous and could be kept locked but the City's fire officials have previously encouraged Mr. Kwon to keep it open for the increased safety to the tenants. As such, we do not believe that the "violations" are relevant for this third route.

We look forward to outlining our position in greater detail at the meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "W B Towle", written over a horizontal line.

William B. Towle

Enclosures

cc: Client  
Bill Ward  
Gene Bergman

Sta\_38 F:\Client Docs\Kwon Soon\Bill Ward\General\160420 letter to DPW.wpd

40-42 Colchester

Item #2 Light Well



Fire Egress Approved for 15 years



DISCLAIMER: This permit summary may not be an accurate reflection of all permits and/or the permit status on the property. A visit to the specific office to review the physical copies of any permits for the property should ALWAYS be undertaken to ensure accuracy of information. The full permit document can be found by contacting the department identified at the head of the document group. This permit summary is drawn from the records of The Departments of Planning & Zoning, Public Works, Code Enforcement and Clerk/Treasurers Office. The permit status reflects the actions of these departments only. The Assessor's Office conducts an independent review of permit activities for property use and data changes

Property Activity Summary Report as of 4/20/2016 3:39:35PM

Report generated at: [property.burlingtonvt.gov](http://property.burlingtonvt.gov)

Grantee: City of Burlington  
Parcel: 045-4-011-000  
Owner: Vista K Properties LLC  
Location: 40-42 Colchester AVE  
Land Use: R3  
COC Exp: 07/25/2014

Issue Date	Permit Type / Description	Folder No.	Permit No.	Grantor	Status
Document Type: Code Billing Folders		Contact: Code Enforcement Address: 645 Pine Street Phone: (802)863-0442			
	Code Enforcement Billing Folder	114364	04-103856	Vista K Properties LLC	Closed
	Code Enforcement Billing Folder	126598	05-102681	Vista K Properties LLC	Closed
2005 Rental Billing					
03/07/2006	Code Enforcement Billing Folder	138729	06-102796	Vista K Properties LLC	Closed
2006 Rental Billing					
	Code Enforcement Billing Folder	152200	07-102453	Vista K Properties LLC	Cancelled
2007 Rental Billing					
	Code Enforcement Billing Folder	164827	08-130959	Vista K Properties LLC	Cancelled
2008 Rental Billing					
	Code Enforcement Billing Folder	179270	09-102733	Vista K Properties LLC	Cancelled
2009 Rental Billing					
	Code Enforcement Billing Folder	193676	10-116965	Vista K Properties LLC	Cancelled
2010 Rental Billing					
	Code Enforcement Billing Folder	208904	11-132039	Vista K Properties LLC	Cancelled
2011 Rental Billing					
	Code Enforcement Billing Folder	225087	12-147260	Vista K Properties LLC	Cancelled
2012 Rental Billing					
	Code Enforcement Billing Folder	242295	13-164224	Vista K Properties LLC	Cancelled
2013 Rental Billing					

**Grantee:** City of Burlington  
**Parcel:** 045-4-011-000  
**Owner:** Vista K Properties LLC  
**Location:** 40-42 Colchester AVE  
**Land Use:** R3  
**COC Exp:** 07/25/2014

Issue Date	Permit Type / Description	Folder No.	Permit No.	Grantor	Status
2014 Rental Billing	Code Enforcement Billing Folder	264665	14-181841	Vista K Properties LLC	Cancelled
	Code Enforcement Billing Folder	289593	15-204898	Vista K Properties LLC	Cancelled
2015 Rental Billing					
Lien placed 9/8/15, recorded 9/18/15 book 1287 page 623					
2016 Rental Billing	Code Enforcement Billing Folder	310746	16-224006	Vista K Properties LLC	Open
Document Type: Code Enforcement      Contact: Code Enforcement    Address: 645 Pine Street    Phone: (802)863-0442					
Anonymous complaint regarding a claimed illegal basement apartment. Assigned to DCR to investigate, take pictures and issue ticket if appropriate.	Code Complaint Investigation	108382	03-041069	Vista K Properties LLC	Closed
	Lack of Permit - Zoning Violation	135596	05-120099	Vista K Properties LLC	Closed
Additional unit without zoning approval					
Trash accumulation at rear of property	Code Complaint Investigation	159779	07-126648	Vista K Properties LLC	Closed
	Code Complaint Investigation	169732	08-135864	Vista K Properties LLC	Closed
Furniture and trash around the dumpster. 6/2/08. New Item: Overflowing dumpster. Large heap of trash and waste (including food waste) behind this property and reaching into neighboring property under same owner (Soon Kwon), 34 Colchester Ave. 6/3/08 Violation resolved, trash picked up.					
Couch at rear	Code Complaint Investigation	173117	08-139247	Vista K Properties LLC	Closed
	Code Complaint Investigation	198821	10-122079	Vista K Properties LLC	Closed
Complaint about stinking rug	Code Complaint Investigation	252722	13-172485	Vista K Properties LLC	Violation
	Code Complaint investigation	274335	14-191399	Vista K Properties LLC	Closed
Exterior Issues - see comment and attached order and report					
Document Type: Construction Permits      Contact: Department of Public Works    Address: 645 Pine Street    Phone: (802)863-9094					
09/01/1982	Building Permit	15004	257	Soon K. Kwon	Closed
Relocate Offices by installing partitions from floor to ceiling within the bldg.					



**Grantee:** City of Burlington  
**Parcel:** 045-4-011-000  
**Owner:** Vista K Properties LLC  
**Location:** 40-42 Colchester AVE  
**Land Use:** R3  
**COC Exp:** 07/25/2014

Issue Date	Permit Type / Description	Folder No.	Permit No.	Grantor	Status
07/10/1991	Electrical Permit Relocate Wire & Switches For Stairway Installing	2811	154900	Soon K. Kwon	Closed
07/16/1996	Building Permit Remodel First Floor Out-Patient Office Suite. There Was An Effort To Make This Office Handi-Cap Accessible But Was Not	25461	29314	Soon K. Kwon	Closed
07/16/1996	Mechanical Permit Install Hydronic Boiler And Three Zones With Domestic Hot Water	34321	29307	Soon K. Kwon	Closed
07/16/1996	Plumbing Permit Install New Handicap Bathroom-Waste Vent Waterlines Toilet And Lavatory. Other Area Install Lavatory And Related	13144	29306	Soon K. Kwon	Closed
07/23/1996	Electrical Permit Doctor'S Office- 2 Treatment Rooms With Hcf Cable Offices Waiting Room Utility Room Bathroom.	5397	29347	Soon K. Kwon	Closed
09/24/1996	Mechanical Permit Install Gas Piping For Existing Boiler.	34402	29745	Soon K. Kwon	Closed
12/28/1998	Building Permit Convert Existing Business Into 2 Residential Units. ===== N O T E ===== New Contractor Is Doing Work By Owner's Letter Of Statement From Mikyung Kwon, As Of 6/7/99	27375	34587	Soon K. Kwon	Closed
06/07/1999	Building Permit This Permit Is An Addition To Permit #34587 (Both Permits By Campbell Bros) ===N O T E=== No Change In Conditions From	27716	990594	Soon K. Kwon	Closed
06/28/1999	Building Permit North Wall Window Changes W/Trenching To Provide Access	27769	990721	Soon K. Kwon	Closed
07/28/1999	Electrical Permit Existing Service- 2apt.And Storage Area-Completely Rewire 2 Apts.And Install New Panels In Spaces. Misc. Wiring In	6901	990932	Soon K. Kwon	Closed
08/17/1999	Plumbing Permit Under Ground Plumbing For New Units. Ug Only. 4 Pvc Material W/ Some 3.	13807	991061	Soon K. Kwon	Closed
08/27/1999	Plumbing Permit Install New Plumbing System And Finish For 3 New Living Unit	13815	991138	Soon K. Kwon	Closed
11/23/1999	Mechanical Permit Install 2 Boilers To Supply Heat To 2 New Living Spaces. Includes Basboard Rad.	35512	991680	Soon K. Kwon	Closed
03/15/2000	Historical Fire Systems Fire Alarm System For A Mixed Use =====This Work Is Inspected And Approved By The City	37805	2000413	Soon K. Kwon	Closed

**Grantee:** City of Burlington  
**Parcel:** 045-4-011-000  
**Owner:** Vista K Properties LLC  
**Location:** 40-42 Colchester AVE  
**Land Use:** R3  
**COC Exp:** 07/25/2014

Issue Date	Permit Type / Description	Folder No.	Permit No.	Grantor	Status
04/24/2000	Plumbing Permit Install Fixtures Only. Plumbing System Was Done By Other Plumber.	13976	2000614	Soon K. Kwon	Closed
11/03/2000	Building Permit Convert East Side Of First Floor Into Four Bedroom Apartment	29051	2001873	Soon K. Kwon	Closed
04/19/2001	Electrical Permit Wiring Conversion From Office Space Into A 4 (Four) Bedroom Apartment	7919	2010726	Soon K. Kwon	Closed
04/24/2001	Plumbing Permit Install New Plumbing System To Serve (2) New Baths In New Living Unit. (Right Side).	14264	2010762	Soon K. Kwon	Closed
10/25/2005	Building Permit alteration of windows on lowest level of East side of building to comply with fire and habitability requirements for future conversion of the are into an apartment expansion	134555	05-119058	Vista K Properties LLC	Closed
11/28/2005	Building Permit New 2 bdrm living unit.	135362	05-119865	Vista K Properties LLC	Closed
03/21/2006	Electrical Permit Install new wiring to add 2 bedrooms, 1 bath and living area to an existing apt. (40B) Including lights, receps, switches, AFCI< GFCI protection, smoke and CO detection. per NEC 2005. Will be using existing panel and metering equipment	140153	06-104220	Vista K Properties LLC	Closed
05/09/2007	Electrical Permit Install new wiring to add 1 newly installed ac/dc interconnected smoke and co detector outside of bedroom in lower level apt. per city code of ordinance	155356	07-122226	Vista K Properties LLC	Closed
08/21/2007	Mechanical Permit Install two new RINNAI space heaters to serve new living unit on the first flir front and facing colchester ave. Install per manufactures installation instructions and NFPA 54	158630	07-125500	Vista K Properties LLC	Cancelled
06/15/2009	Building Permit Interior remodel of existing living unit to accomodating the reassignment of 2 bdrms to one living unit for a total of 6 bdrms per NFPA 101 and IBC. the scope includes reolocating the 2nd means of egress and maintain hour seperation between units. No change in use of the existing structure and no increase of living space.	183974	09-107434	Vista K Properties LLC	Closed
	Electrical Permit	183976	09-107436	Vista K Properties LLC	Cancelled
01/05/2010	Fire Alarm Systems Insall new wiring to add a dialer and module to tie in existing smoke and CO detectors into existing FACP and add one 120 volt CO detector to existing. per order of the City Fire Marshall NOTE: Separate permits, testing, and inspections from the City Fire Marshal's Office must be secured and conducted in addition to this permit issued by DPW/ISD.	190802	10-114092	Vista K Properties LLC	Closed

**Grantee:** City of Burlington  
**Parcel:** 045-4-011-000  
**Owner:** Vista K Properties LLC  
**Location:** 40-42 Colchester AVE  
**Land Use:** R3  
**COC Exp:** 07/25/2014

Issue Date	Permit Type / Description	Folder No.	Permit No.	Grantor	Status
05/04/2010	Building Permit Alteration to existing 2nd living space to include adding partition and creating new bedroom. All per 06 IBC & 06 NFPA 101	196959	10-120248	Vista K Properties LLC	Cancelled
09/07/2010	Electrical Permit Install new wiring to relocate devices for wall relocation. per NEC 2008	196960	10-120249	Vista K Properties LLC	Closed
08/24/2010	Fire Alarm Systems Replace shorted fire alarm wire, relocate boxes and devices for wall relocation. NOTE: Separate permits, testing, and inspections from the City Fire Marshal's Office must be secured and conducted in addition to this permit issued by DPW/ISD.	201117	10-124341	Vista K Properties LLC	Closed
	Building Permit Building Permit is not required per Chapter 8 Building Ordinance and as approved by the City of Burlington Building Official.	205458	10-128607	Vista K Properties LLC	Closed
	Building Permit Work conducted under parent ZP was done under Building Permit RSN 29051. Approved by the City of Burlington Building Official.	205459	10-128608	Vista K Properties LLC	Closed
12/30/2010	Building Permit Construct a small retaining wall, install 2 windows for natural light to the proposed two bedrooms of finished area to be added to the basement and removal of fuel tank.	205516	10-128663	Vista K Properties LLC	Issued
12/30/2010	Building Permit Remove two doors and replace with siding.	205518	10-128665	Vista K Properties LLC	Closed
	Building Permit	206981	11-130116	Vista K Properties LLC	Application Pending
01/13/2012	Electrical Permit Install new wiring for an exterior light over door, per Zoning approval.	223279	12-145457	Vista K Properties LLC	Cancelled
01/29/2016	Building Permit Replace window well stair sytem with approved fixed ladder system for egress in compliance with NFPA 101:7.2.9.2 AND ANSI A14.3. Ladders shall not interfere with the operation of the egress windows in any part thereof.	304287	16-217559	Vista K Properties LLC	Issued
03/18/2016	Fire Alarm Systems Repair of devices due to Fire Alarm Inspection. Final inspections will be conducted by the City Fire Marshal's Office. NOTE: Separate permits, testing, and inspections from the City Fire Marshal's Office must be secured and conducted in addition to this permit issued by DPW/ISD.	312249	16-225508	Vista K Properties LLC	Closed
<b>Document Type: Routine Inspections</b>		<b>Contact: Code Enforcement Address: 645 Pine Street Phone: (802)863-0442</b>			
	Routine Inspections Sent routine inspection due ltr. for JPR 6/9/05, due 6/24/05.	119884	04-109374	Vista K Properties LLC	Closed



**Grantee:** City of Burlington  
**Parcel:** 045-4-011-000  
**Owner:** Vista K Properties LLC  
**Location:** 40-42 Colchester AVE  
**Land Use:** R3  
**COC Exp:** 07/25/2014

Issue Date	Permit Type / Description	Folder No.	Permit No.	Grantor	Status
	Routine Inspections	139904	06-103971	Vista K Properties LLC	Closed
RI due w/JPR - ltr sent 3/8/06. RI sched 3/22/06 @ 3pm w/JPR. Order issued, signed and mailed 3/29/06. FU scheduled for 5/1/06 at 1:30 p.m. Found in compliance, COC issued, signed and mailed 5/15/06. Ext Req received 5/17/06. Copy to KB & JPR.					
02/06/2007	Minimum Housing Inspection	144833	06-108899	Vista K Properties LLC	Closed
	Minimum Housing Inspection	191808	10-115097	Vista K Properties LLC	Closed
Per reqst for compliance ltr from Mr. Kwon, COC expired.					
	Minimum Housing Inspection	205521	10-128668	Vista K Properties LLC	Closed
Close MH Folder 191808 once this MH has begun					
	Minimum Housing Inspection	274331	14-191395	Vista K Properties LLC	Closed
	Minimum Housing Inspection	295388	15-210670	Vista K Properties LLC	Inspection Due
<b>Document Type: Zoning Review</b> <b>Contact: Planning and Zoning</b> <b>Address: 149 Main Street</b> <b>Phone: (802)865-7188</b>					
02/17/1998	Zoning Permit - COA Level II	44080	98-333	Soon K. Kwon	Permit Indeterminate 3
Change of use from commercial into two residential units. Proposal includes removing two windows on the west elevation, infilling with matching materials, And constructing a retaining wall surrounding the mixed use structure.					
07/09/1998	Zoning Permit - COA Level I	44387	99-018	Soon K. Kwon	Final CO Issued
Renovations to the north side of the existing mixed use structure. No change in coverage as this is existing pavement.					
04/27/2000	Zoning Permit - COA Level I	45464	00-497	Soon K. Kwon	Final CO Issued
Misc amendments to zp #99-018, Renovations to the existing mixed (Commercial & 2 units) Use building that include window and door alterations.					
09/06/2000	Zoning Permit - COA Level I	45782	01-120	Soon K. Kwon	Final CO Issued
Replace window in-Fill materials with siding to match the existing mixed use (Commercial & 2 residential units) On the western elevation. No change in footprint or use.					
10/17/2000	Zoning Permit - COA Level I	45854	01-198	Soon K. Kwon	Final CO Issued
Change in use from office to one residential unit, For a total of three units. Add one window on south elevation and replace one window on the north elevation.					
09/12/2005	Zoning Permit Not Applicable	133323	06-205NA	Vista K Properties LLC	Review Complete
Repair the non-functional rainwater drainage system.					
10/06/2005	Zoning Permit - COA Level I	133868	06-251CA	Vista K Properties LLC	Final CO Issued
Enlarge two existing windows to 5 ft. x 4 ft. to meet egress requirements.					

**Grantee:** City of Burlington  
**Parcel:** 045-4-011-000  
**Owner:** Vista K Properties LLC  
**Location:** 40-42 Colchester AVE  
**Land Use:** R3  
**COC Exp:** 07/25/2014

Issue Date	Permit Type / Description	Folder No.	Permit No.	Grantor	Status
01/12/2006	Zoning Permit - COA Level I	135961	06-436CA	Vista K Properties LLC	Final CO Issued
Construct a small retaining wall for repair and maintenance of the groundwater problem and to provide natural light to the proposed two bedrooms of finished area to be added to the basement. This increased living area will be related to the apartment on the first floor. Installation of bathroom sink, commode, and shower on lower level. Removal of fuel tank.					
05/20/2009	Zoning Permit - COA Level I	182866	09-819CA	Vista K Properties LLC	Permit Indeterminate 3
Add new rear door and relocate existing rear window.					
07/29/2010	Zoning Permit - COA Level I	199946	11-0059CA	Vista K Properties LLC	Permit Indeterminate 3
Remove two doors and replace with siding.					
02/15/2011	Zoning Permit Not Applicable	206980	11-0611NA	Vista K Properties LLC	Review Complete
Construct temporary roof over window well for up to ten days.					

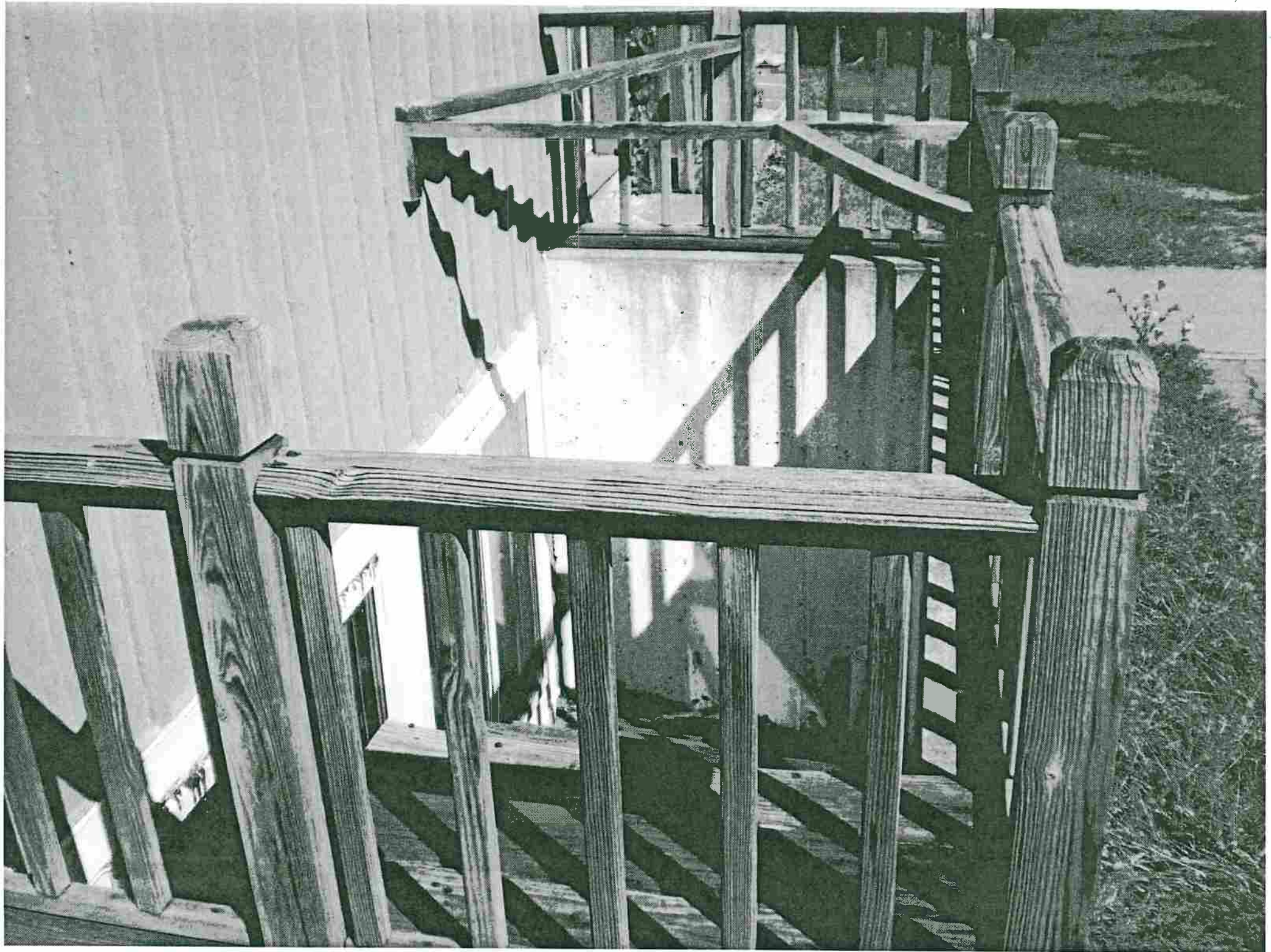
#### Key to Permit Status

Below is a list of common permit states and what they may mean for you:

- Application - An application has been made that has not been processed yet.
- C of O Requested - A zoning Certificate of Occupancy has been requested but has not been finalized yet. Contact the Code Enforcement Office to enquire.
- Closed - No further action required.
- Closed with Final - The permit has had its final inspection, is complete and no further action is required.
- CO Noncompliant - A zoning Certificate of Occupancy has been requested but cannot be completed due to issues. Contact the Code Enforcement Office to enquire.
- Final CO Issued - The permit has a Final Zoning Certificate of Occupancy (CO) and is complete.
- Issued - The permit has been issued by the City but has not had its final inspection. This will be required.
- Permit Expired - The permit was never undertaken and the permit has expired
- Permit Indeterminate 1 - The permit is more than 1 year old, still valid and has not had its final zoning inspection. You will need to request the Final Zoning Certificate of Occupancy (CO).
- Permit Indeterminate 3 - The permit is more than 2 years old, is outside the allowed construction period and has not had its final zoning inspection. You will need to request the Final Zoning Certificate of Occupancy (CO). There may be additional After the Fact fees.
- Permit Relinquished - The permit was never undertaken and was relinquished by the owner while it was still valid
- Released - The permit has been picked up from the Planning and Zoning office but has not had its final zoning inspection. You will need to request the Final Zoning Certificate of Occupancy (CO).
- Review Complete - The permit has been reviewed and no further action is required
- Superseded - This permit has been replaced by a subsequent permit, and no further action is required

<< End of Report >>









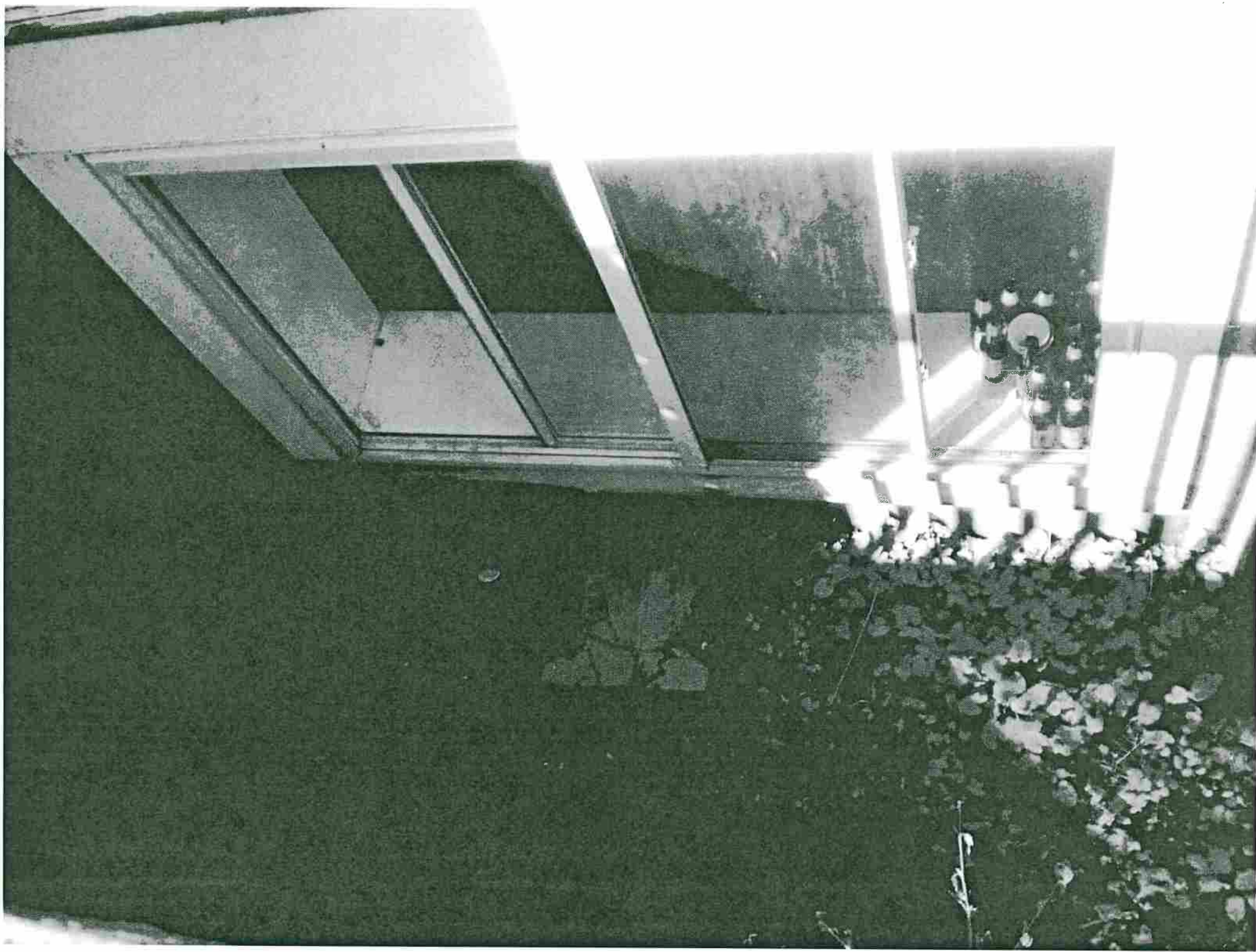




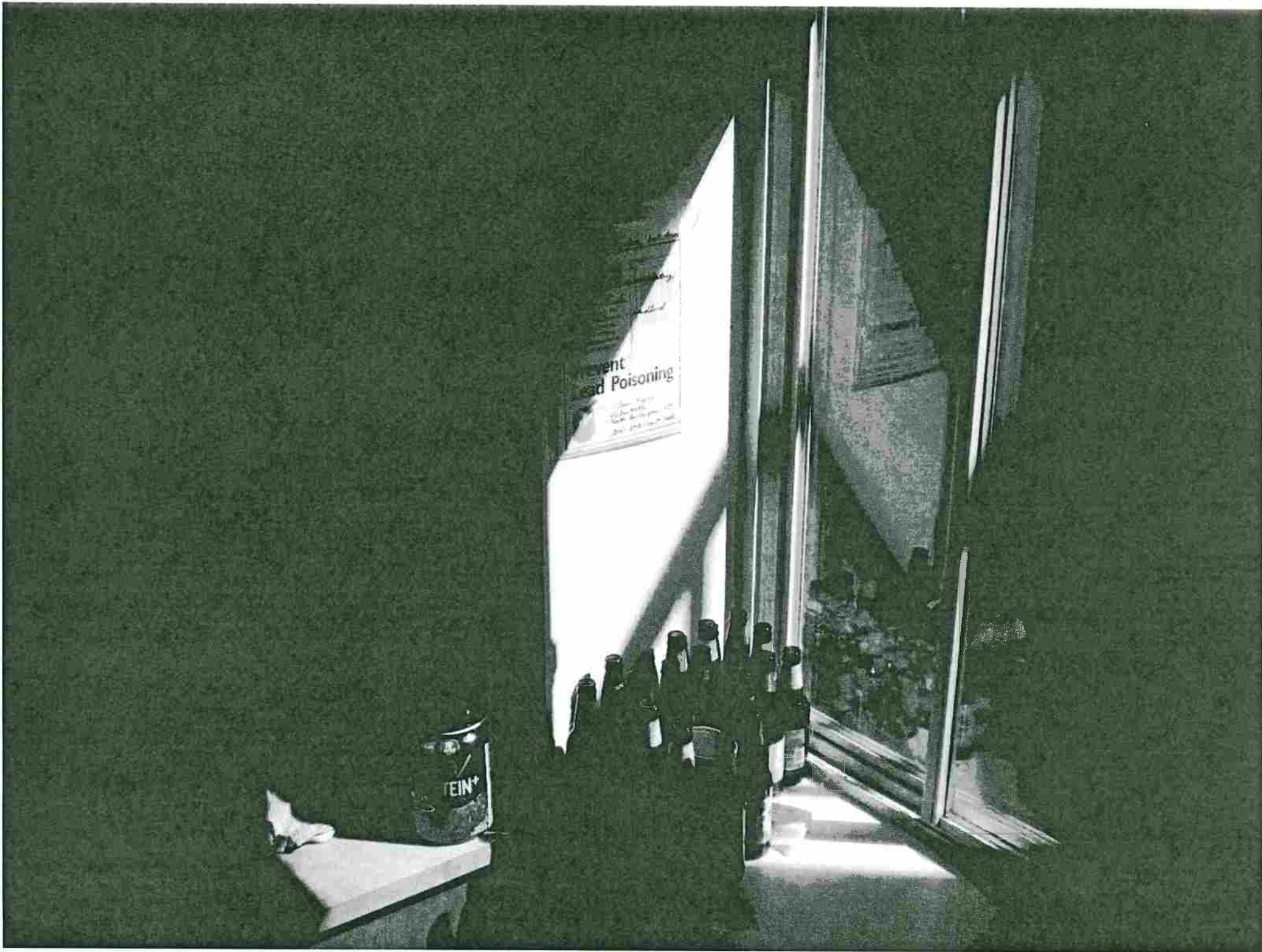






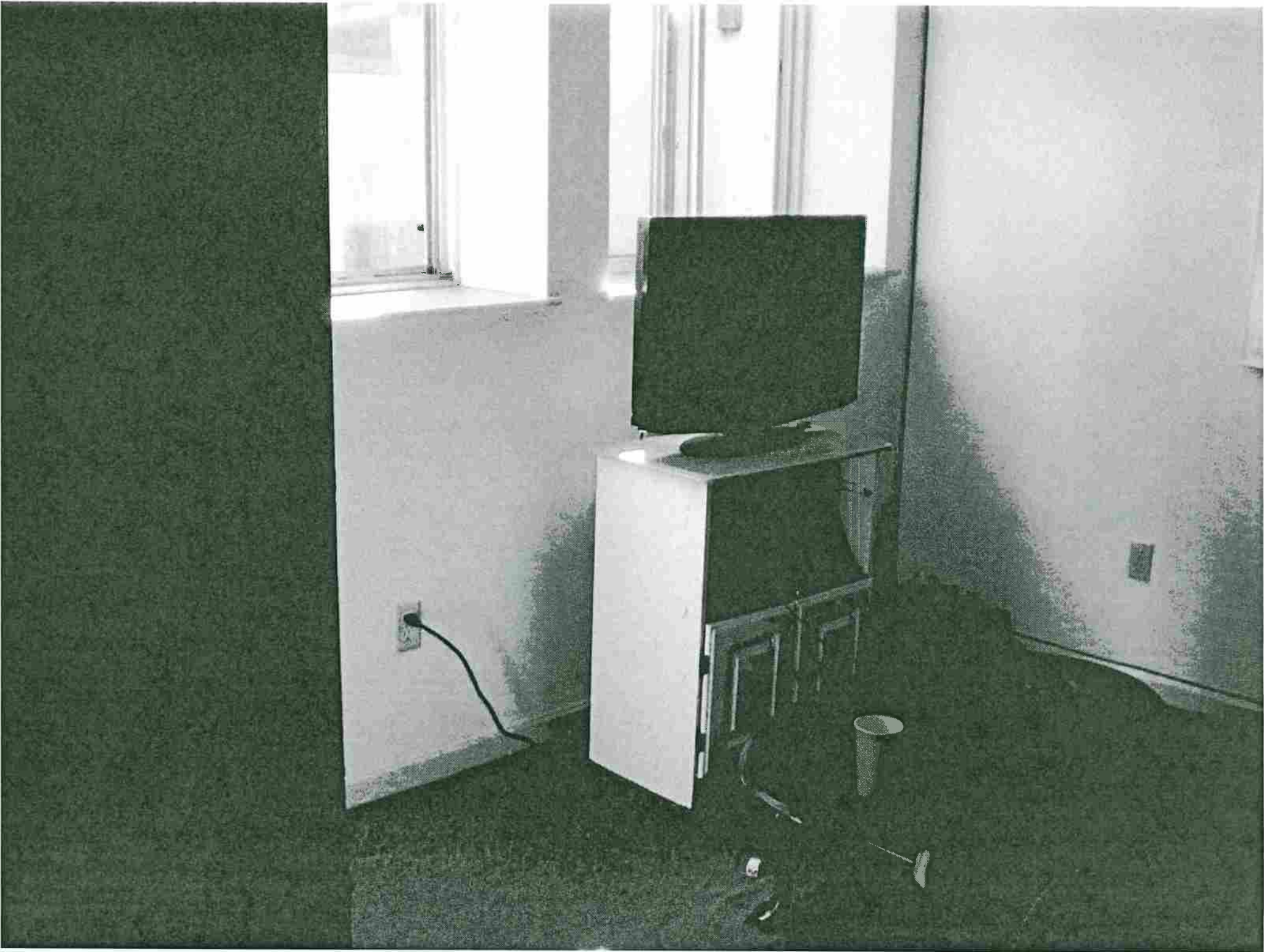




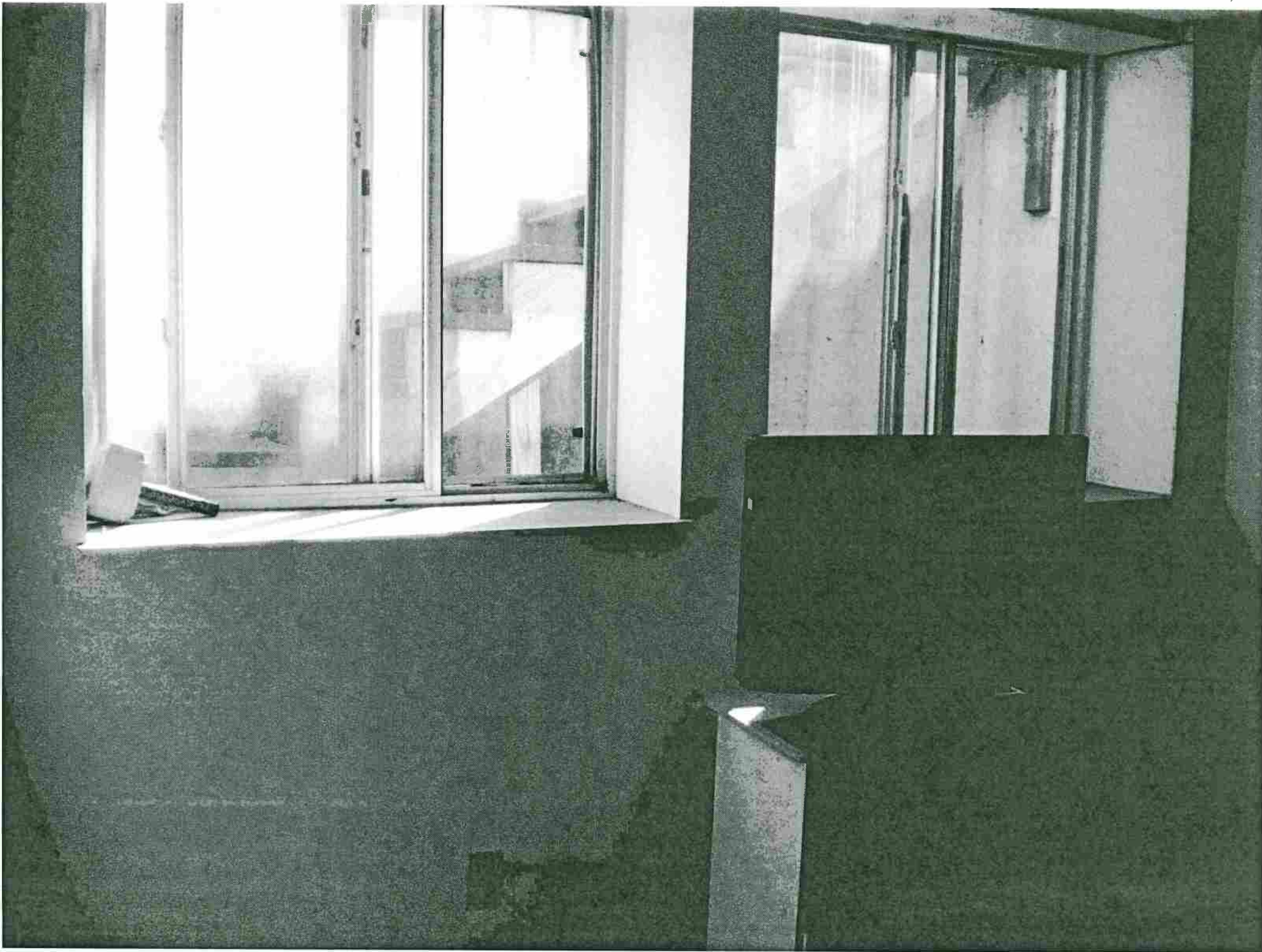














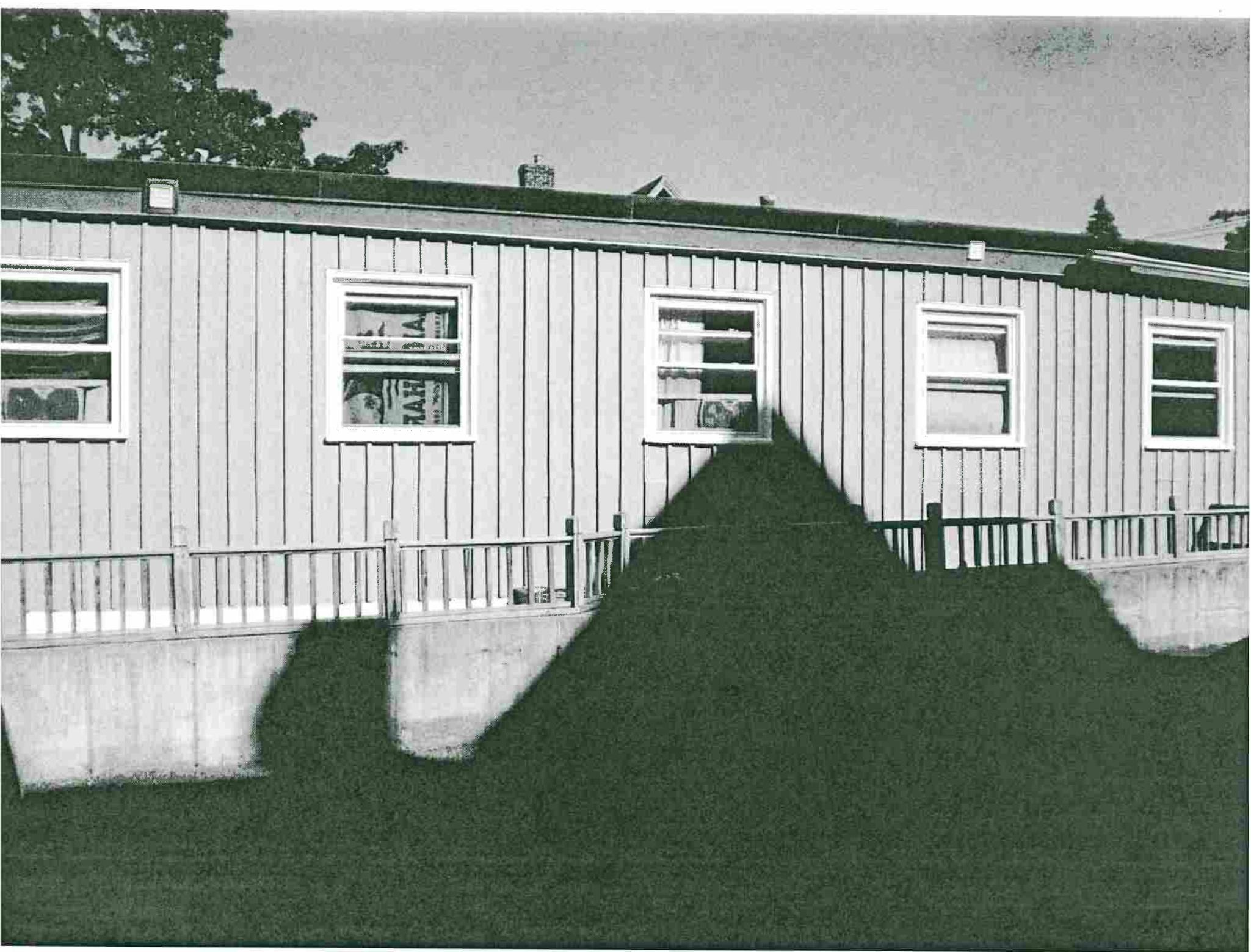
Item #3 Exterior Step





## Item # 6: Stairway



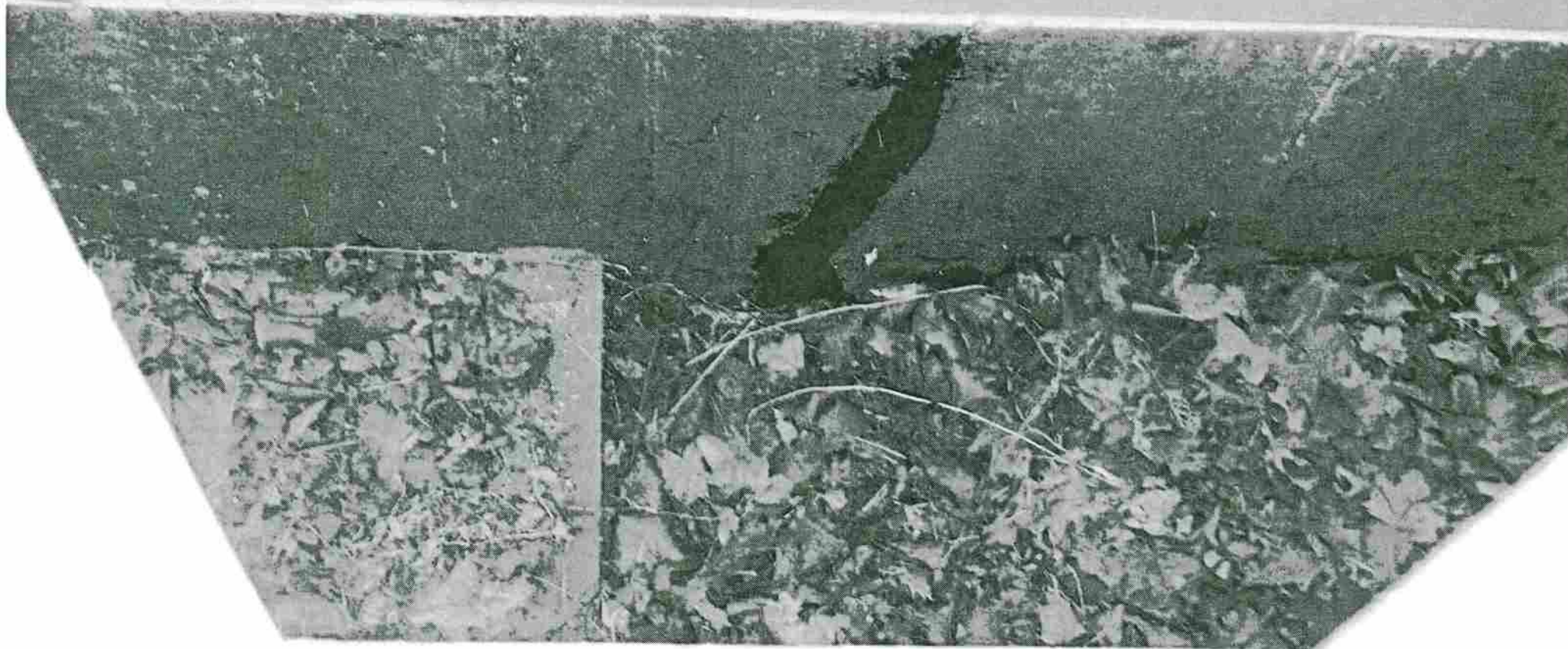
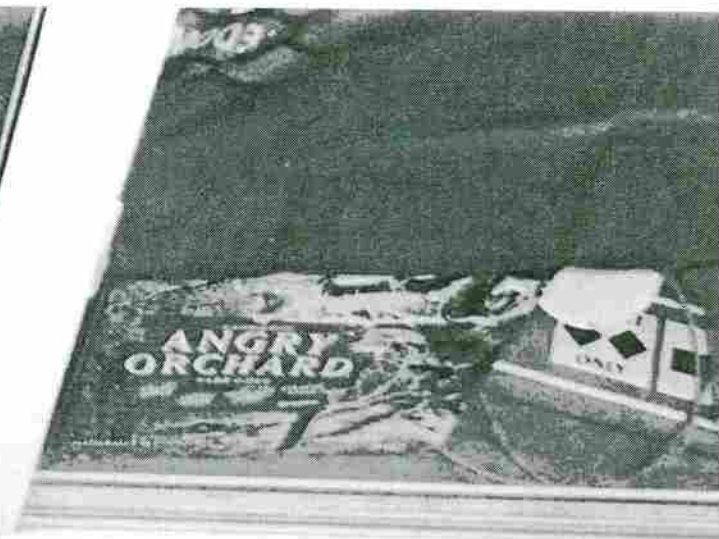
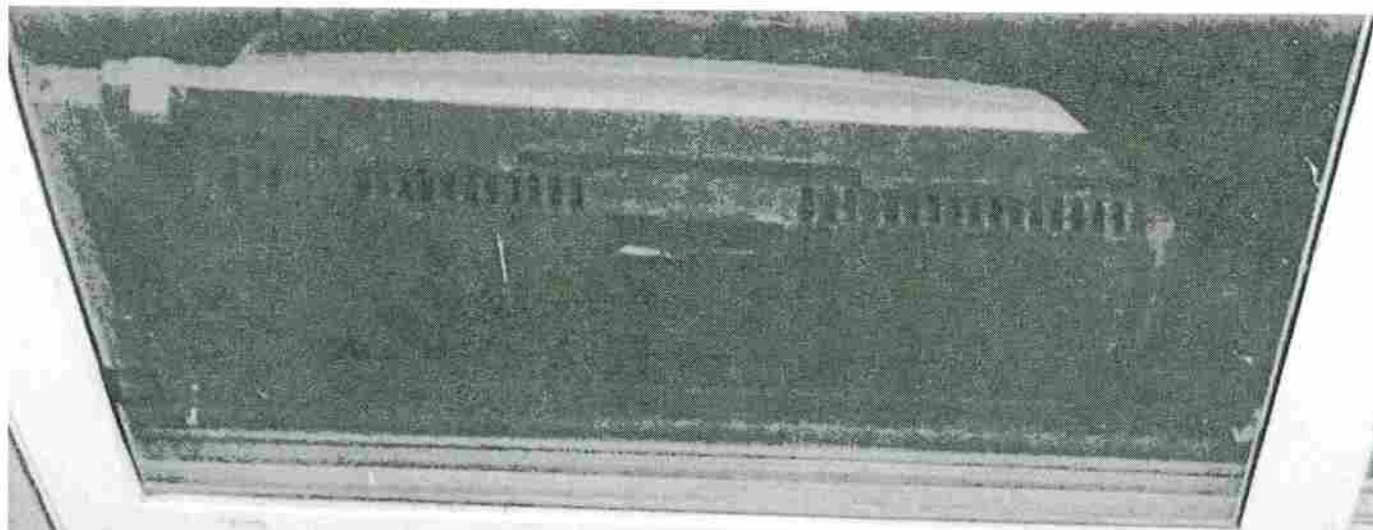


Item # 7 Stairwell

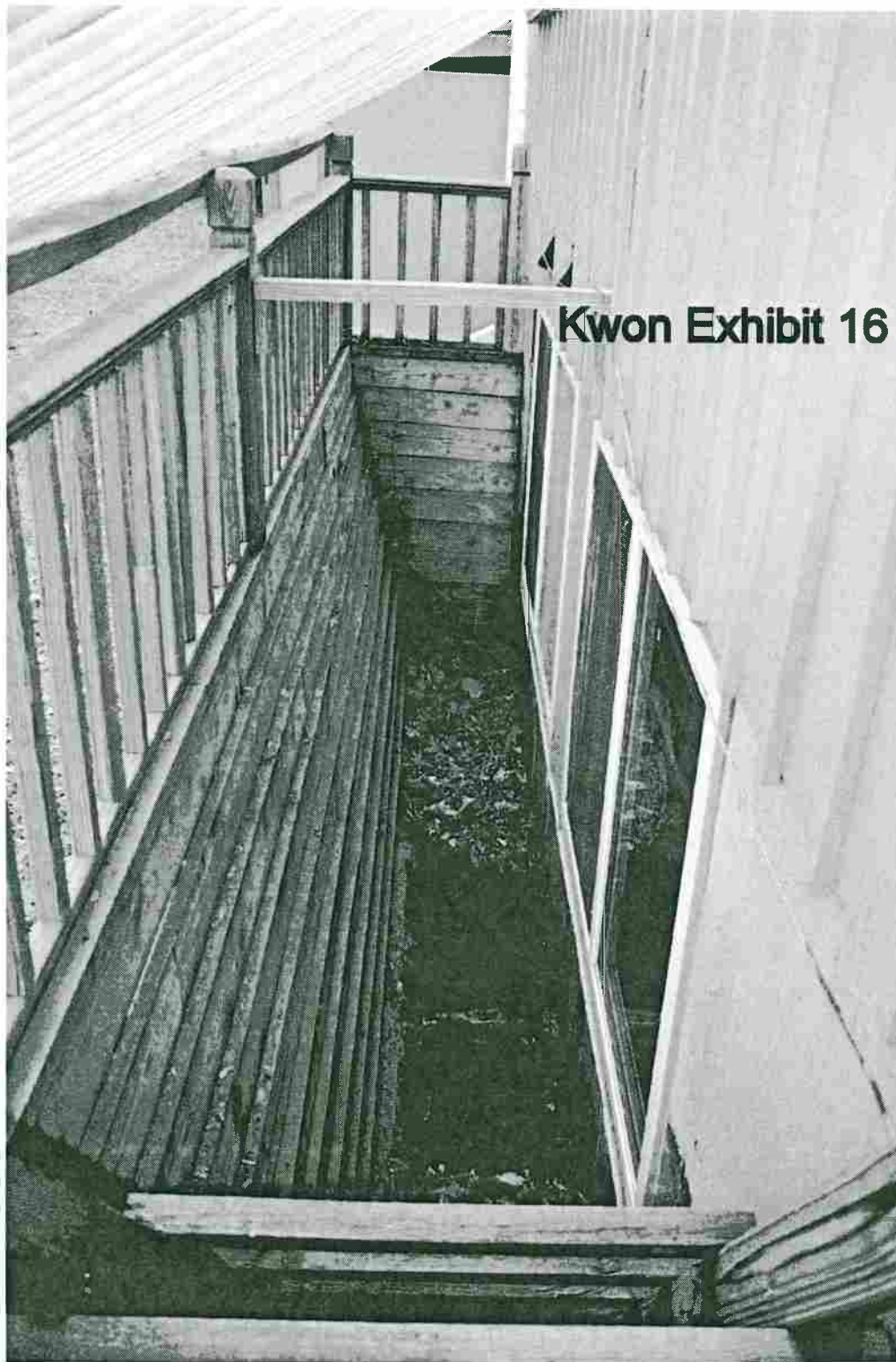












Item #8: Locked Storage Closet





Mr. William Ward, Director  
City of Burlington Code Enforcement Office  
645A Pine St. P.O. Box 849  
Burlington, VT 05402-0848

(file copy)

August 18, 2015

Re: Routine Inspection Report dated 8/12/2015 at 40-42 Colchester Ave

Dear Director William Ward:

This is my response to the routine inspection report dated 8/12/2015 referenced above.

I reviewed the routine inspection report of August 12, 2015 which I picked up on 8/17/2015 at the South Burlington Post Office as soon as I returned from my pre-planned trip.

**You proceeded with the scheduled inspection on August 12, 2015 at 12:00AM without my presence, the property owner, despite the fact that I had requested an extension of the scheduled routine inspection for about two weeks due to my planned trip overseas that I planned about 1 year ahead.** I had also informed, in writing, my tenants as well as the Code Enforcement Office about my absence timely and appropriately as the Code Enforcement Office procedural rules require that "Please contact me at 802-863-0442, at least 24 hours in advance, sooner if possible, if this needs to be rescheduled **for any reason.**" (Emphasis added).

This kind of mishap took place at least twice during last two years. As you are well aware of, the first episode was when I had a heart attack resulting in having two stents implanted in the emergency room and receiving an extensive cardiac rehabilitation physical therapy. The second episode was that about three months ago I had a heart problem when my heart beat rate climbed to about three times of normal rate and my blood pressure was extremely high, causing severe chest pain and dizziness, so that the receiving nurse at the emergency room was unable to measure my heart beat rate and my blood pressure. After stabilizing my heart condition, the attending cardiologist doctor prescribed medication that stabilized my heart condition. Later on, I discovered that my primary cardiologist had prescribed the same medication before but he dropped it probably because he was confident that my heart condition was stable enough. Both cases were extremely acute.

In either case, you never responded to my request for the extensions of the routine inspection dates. I do not have to emphasize that the routine inspections are not emergency cases. There is no life and death issue here. Therefore such routine inspections can be carried out on any reasonable dates.

I have other numerous episodes, but I would like to skip them at this point.

I would like to remind you that, as I stated before, you never responses to my written request for the routine inspection date extensions for good reasons such as critical health issues and pre-planned trips. I would also like to inform you that, as an example, the City

of Winooski is doing its city affairs in a very civilized manner by asking the property owners to pick a mutually agreeable dates for routine inspections.

Before you came to the Burlington Code Enforcement Office, the Code Enforcement Office used to set the inspection dates based upon the mutually agreeable dates. Not any more. Further, the Public Works Department of the City of Burlington has been setting mutually agreeable inspection dates ever since I have been working with them for over 32 years.

Ever since you came to the City of Burlington Code Enforcement Office, I feel that the working relationship became very strenuous to the point that something has to be done very soon. **I feel strongly that the exercising fairness and reasonableness of the services and roles of the City of Burlington Code Enforcement Office are in question. I wish I could work much more comfortably under the umbrella of the City of Burlington.** I do work comfortably with the Public Works Department. Also I would like to say that I have never received any serious notice of the code violation or any other law violation in 32 years of ownership of properties in Burlington.

When Mr. Eugene Bergman was acting director of the Burlington Code Enforcement Office, I had a chance to chat with him about the direction of the City of Burlington Code Enforcement Office. Once he pondered whether the enforcement of the City Code should be carried out with the spirit of “safety” and “health”. I admired him, and am still believe that Mr. Bergman was on the right track.

I, as a tax paying citizen, I am copying this letter to the mayor since I understand that the Burlington Code Enforcement Office reports directly to the mayor.

I am also copying this letter to the Office of the City Council since I am well aware of the fact that at least one city council member is very much interested in this matter and looking into this.

As a matter of fairness and openness, I am also copying this letter to the Free Press reporter with whom you made an initial contact as I understand, and he eventually contacted me. And I naturally informed my attorney.

In sum, I feel strongly that we need a new director with reasonable common sense and the mind set of exercising fairness to the owners of properties in Burlington as well as who can work with the property owners fairly and reasonably.

\* \* \*

Following is my item-by-item response to the routine inspection report dated August 12, 2015. Clearly this report is a copy of the previous inspection report of July 7, 2015 and added some more. Does this mean that you find more violations every time you inspect? Does this mean that the first inspection was not complete? This has happened every time I went through the routine inspections in the past.

(Locations?) (Item 1 of 25)

I found that some light gloves are missing. I will have my maintenance person to take care of these, if any.

40A (Item 2 of 25)

The light well for Unit 40A in the kitchen area was neither intended nor designed as an emergency egress; it was intended and designed for bringing in lights only into the kitchen area. The emergency egress is the pair of large windows in the living room in the same area about two feet away. Please review the original zoning and building permits as well as the subsequent inspection reports. Also note that the Burlington fire department has inspected the structure numerous times during the past 20 years or so, long before the Burlington Code Enforcement Office was created.

40A, 42 (Item 3 of 25)

The exterior doors are solid and all functional. The steps are solid stones/concrete mixed with small stones and there are no "cracks". The previous Code Enforcement inspectors approved it. The door is not falling apart, therefore I do not see unfitness to use the doors. As you know, I had the building inspected thoroughly by the HouseCheck inspection service that is providing such service primarily for potential real estate buyers. Their report has no mention about the need for replacement of the doors.

40B (Item 4 of 25)

When I hired two inspection service companies, DARDNO and HouseCheck, they inspected the large window area in 40B, and found no signs of leak. In fact my tenants in Unit 40B informed me that there has not been any leak recently. Last month I hired a new painting contractor to have the entire building painted and I provided them with 10 tubes of chalking and asked them to fill every crack above the windows and paint them, and they did. I inspected it also. Apparently you did not inspect the windows from outside carefully. Today I inspected it again and the entire area above the windows outside have been sealed completely and painted. They look very good to me.

40B (Item 5 of 25)

Water leak in two bedrooms in Unit 40B. This is a very old story. Did you actually see the water leak at the time of inspection? Ever since my previous tenants(who have not paid rents for 9 months and this case is now in court.) "complained", I hired CARDINO consultants and HouseCheck Inspection Services, and received two clean bills of health. I sent you copies of both reports. Also when my Professional Carpet Steam Cleaners(US Steamers) came to steam clean the carpets, I specifically asked him to inspect the condition of the carpets very carefully, and they did and they found no sign of moisture or mold at all. Therefore, I have to say that your findings of "water leak in two bedrooms



in Unit 40B” are totally false. Please send me your proof since the burden of proof is again on your side. If not, this case will be at court.

40B (Item 6 of 25)

“Egress stairways without handrails in Unit 40B” is another “old story”. Please see my response for (Item 2 of 25 above). I would like to remind you that we have an agreement to have a four way discussion with the building inspector and the Burlington fire chief on this issue. Please arrange for one. Also, please see the appropriate zoning and building permits as well as the inspection reports I had gone through about 20 years ago.

40B (Item 7 of 25)

Not clear. Where is the location? And what is the problem? I am unable to find a “hole” anywhere.

40B (Item 8 of 25)

As I explained numerous times in the past, **this storage room is not part of the rental space. This room is always kept locked. Tenants do not have access to it. I am the only one who has the key for it. This room has been like this for years.**

40B (Item 9 of 25)

About 30 some years ago, I made an agreement with the then building inspector and Burlington fire department that I maintain this extra egress passage way as an additional fire egress way. I am not required to have this to meet the code requirement. **If the Code Enforcement Office considers this as a normal egress way, I am more than happy to close it for good. I will simply post a sign “NOT AN EXIT”.**

40A (Item 10 of 25)

As you tested and verified, the wire is “dead” and the light fixture is “non-functional”. I will “cap” it whenever my licensed electrician becomes available. He said that he does not need a permit for this.

42 (Item 11 of 25)

The large beams in the kitchen area in the Unit 42 have been there for over 20 years. We left them there, as is, as decorative beams after discussing it with then building inspector. If the Code Enforcement Office does not like this “naturally exposed beams”, I will have these painted in the same antique white color to match with the rest around them. Please let me know.

42 (Item 12 of 25)

Not clear. Please be more specific so that my contractor can understand it. If you talk about the leak I had due to the dishwasher several years ago in the Unit 42, the problem has been solved years ago and currently there is no leak. You may confirm this with the current tenants in Unit 42 as well as the current tenants in Unit 40B downstairs.

42 (Item 13 of 25)

In your previous report dated July 7, 2015, this particular item drew my attention, and I hired a professional service person to test all three smoke alarm systems, he tested all three, and they found that all three smoke alarm systems are functioning properly. It is clear that you failed to verify them. Please, re-test them.

All (Item 14 of 25)

I did not find anything missing, even though I found some broken ones. I will take care of these minor details as soon as possible. Is really the missing thermostat "cover" a serious "health/safety" issue?

Baseboards (Item 15 of 25)

This building was built in mid 1960's. I am finding it difficult to find parts for them. What do you expect? Are the left overs of the "accumulated dirt, lint, hair, corrosion, dirt", whatever else are part of the requirements of Minimum Housing? What is happening to the two key "safety" and "health" issues for Minimum Housing?

Carpets (Item 16 of 25)

Because of lack of detailed description of the "white paint stains", I suppose that this "stains" is on the front carpet in the back bedroom past the 3<sup>rd</sup> bathroom in the back of Unit 42. My former tenant who stayed in this bedroom wished to paint his room with reddish paint in unique geometric design under the condition that the walls and ceiling would be re-painted in original antique white upon vacating his bedroom. Since he left some white paint stains on the carpet, I am holding the cost for removing the stains from his security deposit money. This case is still un-resolved. Maybe I can use your "citation" for justifying my reasoning for holding the repair cost. I gave my tenant three options; (1) pay for it, (2) hire someone who is willing to do it and pay for it, or (3) do it by himself, and receive his money back.

Cleaning Dryer Vents(All) (Item 17 of 25)

All dryer vents are solid metal tubes with the exception of the new one in Unit 42, where Lowe's used a flexible tube, if I recall correctly, upon delivering a new dryer last year. Yesterday my plumber installed a solid metal tube as required by the City Plumbing

Code. We have an annual dryer vent cleaning schedule, done at the end of each lease period.

Exterior(Unpainted plywood) (Item 18 of 25)

As far as I remember, my painting contractor painted the shed and the phone box with the matching color with the house. Yesterday I confirmed that my painter did his job properly. Incidentally, the phone/cable box belongs to the phone/cable companies. I maintain it as a matter of courtesy. I had explained it to you in my July 7, 2015 report.

Fire Alarm System (Item 19 of 25)

According to my fire alarm contractor's records, the fire alarm control box has been tested, inspected, put a valid inspection sticker and reported it to Burlington Fire Department last year October. According to the same records, all smoke alarm systems have been also tested at the same time and this should be good until October 2015. Please read the inspection sticker carefully.

I have given this same explanation in my previous response dated August 6, 2015 to the previous inspection report of July 7, 2015.

Heater Units (Item 20 of 25)

I will ask my contractor, VT Gas Systems, to inspect all three heaters again and to issue new inspection stickers. Incidentally, as far as I remember the inspection stickers are good until the end of August 2015 since they go by the month.

Light Wells (Item 21 of 25)

My contractor, CARDINO, has been unable to find paint "chips", and I asked my recently hired EMP certified painting contractor to clean the residue paint chips using EMP certified special (CAPAVACUUM?) vacuum cleaner to clean the entire area. I inspected the entire area yesterday. I will figure out how I can record it in the compliance statement to close this case.

Sewage Drain (Item 22 of 25)

This is another "old issue" in Unit 40B. As late as two weeks ago, I visited Unit 40B to repair the toilet water tank valve problem. Afterwards, I chatted with several of my current tenants about the general condition of Unit 40B. They all voiced that there have not been any leaks or sewer back up except the water drips from the shower head in the bathroom near the kitchen. I tightened the shower control knob as best as I could.

Please be reminded that not so long ago, I hired HouseCheck Inspection Service and they came up with a clean report particularly the issues on the leak in the bedrooms and sewer



back up in the bathroom near the kitchen. Also, I mailed you a copy of his inspection report.

Sheetrock Interior (Item 23 of 25)

Are these serious “health and safety” issues? I have patched and painted the entire interior with some of my tenants help last year.

Please be more specific in terms of locations and nature of your concerns so that I can take care of these minor issues in the future.

Skylights (Item 24 of 25)

I will look for the right replacement parts. If not, I will board them up. I will contact my carpenter.

Behind Building (Item 25 of 25)

Based upon my experience of managing the building, I have more than adequate capacity of the trash dumpster. My best estimate is that more than 90% of the time the dumpster is not full. Out of the full dumpster, more than 90% of the time, the cause has been careless dumping of recycle able card board boxes.

The only time I have some problem with over-loaded trash dumpster is when the tenant changeovers take place, in which time I ask the trash trucking company for extra-pickup service within 24 hours.

\* \* \*

I have owned and managed my buildings for over 32 years. During those years, the City scenes have been changing every year. More “street people” are looking for anything worth something. I have developed habit of gathering cans, bottles, metals and other “valuables” for them. I leave them next to the dumpster for several days. Most of the time, the “valuables” disappear in several hours.

By reading the 2<sup>nd</sup> routine inspection report dated August 12, 2015, I am convinced that you have not read my first response of August 6, 2015. In particular, I am speaking of the Item #19 as an example. Please read my reports carefully and treat them appropriately.

Note:

There is still a small leak in the ceiling in front of Unit 40B storage room door downstairs. I will look into this further. Even after having a decent shower glass door unit is installed by ACME Glass, apparently there is still a potentially small crack in the shower base unit upstairs. I will take care of this problem even though there are three bathrooms in Unit 42 upstairs.

Sincerely,



Soon Kwon  
P.O. Box 9492

South Burlington, VT 05407-9492

- cc:
- 1) The City of Burlington, Mayor's Office
  - 2) The City of Burlington, Office of the City Councils
  - 3) The Burlington Free Press reporter(name withheld)
  - 4) Mr. Will Towle, Esq, Ward and Babb

(40-42 routine insp – 1st-8-18-2015/letters to code enforcement-----)

## FY'17 Key Initiatives -- Burlington DPW

	DIVISION	KEY INITIATIVE	Operational Excellence	Exemplary Cust. Serv.	Culture of Innovation	EXPECTED OUTCOMES & NOTES	COMMISSION ROLE	METRICS
1	DPW-wide, CIO	<b>Conduct Project Management pilot</b> across City government with support of a PM consultant.	✓			Completion of pilot. Determination of next investment to strengthen City's PM capabilities and systems across City.		Updated policies.
2	DPW-wide	<b>Complete asset management plan</b> to advance City's capabilities and begin implementation of a CMMS (computerized maintenance management system) with geo-referenced in-field data collection functionality	✓	✓	✓	Create asset mgmt plan mainly for the Water Resources that also includes a city-wide needs assessment. <b>Procure</b> CMMS tool in FY'17.	Provide feedback on draft plan	Completion of plan. Number of service interruptions. % of water loss. Electricity/fuel use. City assets are better maintained. Will develop and refine operational metrics through plan development.
3	DPW-wide	<b>Continue to close capital funding gaps</b> across asset classes (Water, WW, Stormwater, Fleet, Streets, Sidewalks, Signals, Facilities) by developing and implementing strategies with stakeholders	✓			The city-wide capital plan shows optimal funding targets. Adequate capital funding levels will replace assets on schedule, increase service reliability and reduce costly emergency repairs. Advance strategies to close the funding gap between the capital plan and actual annual expenditures.	Evaluate and recommend funding sources	Annual capital expenditures vs.the total annual capital needs for each asset class
4	DPW-wide	<b>Manage finances within policy and budgetary parameters</b>	✓	✓		Budget targets are met and there are no major audit findings.		Financials meet or exceed budgeted targets across all funds, Fund balances % of goal
5	DPW-wide	<b>Strengthen operational policies and procedures</b>	✓		✓	<b>All DPW operational policies located in central folder.</b> Smooth internal operations with clear policies and procedures. Clear expectations about engaging other divisions and departments.		At least 10 new written policies / procedures approved by Director or Assistant Directors
6	DPW-wide	<b>Have 90% of staff take advantage of a professional development opportunity</b> during FY'17	✓	✓	✓	Further increase productivity of workforce, staff morale and internal promotions. Expectation is that every employee will take advantage of at least one prof. development opportunity each year.		% of staff that took advantage of professional development opportunity over last year
7	DPW-wide	<b>Refine key performance indicators</b> (KPI's) and summarize results in annual report.	✓	✓		Staff managing to metrics and a public that is aware of our successes. Initial KPI's developed at end of FY'15. Small professional services contract to develop annual report.	Review, modify and monitor KPI's	Existence and use of KPI's
8	DPW-wide	<b>Increase commitment to the City's diversity and equity goals</b>	✓	✓	✓	DPW staff, Commission, and engaged community members reflect the diversity of our city. Staff continues to serve on City's Core Team for diversity and equity issues.	Help diversify commission	Utilize metrics developed by City's Diversity & Equity Core Team
9	DPW-wide	<b>Strengthen safety program</b>	✓	✓		<b>Safety Manual completed in FY'16 and printed in FY'17. Actively participate in citywide risk management effort. DPW Safety Team meets at least every other month. Host voluntary Project Worksafe Audit.</b>		Number of workdays lost to work-related injuries
10	CEDO, CIO, DPW-wide	<b>Participate in city-wide public engagement and communications plan</b>		✓	✓	<b>Assist City in developing Civic Engagement Plan</b> (incl. social media) to achieve a more informed and engaged community. <b>May wait until FY'18, dependant on other dept's.</b>	Recommend Commission-related communication improvements	Completion of plan (may be in FY'17)
11	DPW-wide	<b>Begin to measure department-wide customer service</b>		✓	✓	More responsive department. <b>Goal is to begin customer service surveys in FY'17.</b>		Response time for a subset of Request For Service categories
12	IT, P&Z, Asessor, DPW	<b>With CIO, develop document retention policy and document management system</b> that enables DPW to efficiently store and retrieve plans, permits, documents	✓			Greater protection of city records. Reduced staff time spent filing and searching.		Electronic document management system for plans, permits



## FY'17 Key Initiatives -- Burlington DPW

13	ROW, Tech Services	<b>Expand preventative maintenance program</b> of pavement, sidewalk, guardrails, railings, fences and other infrastructure that has not been traditionally funded	✓			Better maintenance of all infrastructure within the ROW. Reference costs in the city-wide capital plan.		Activities are budgeted for and completed
14	Tech Services, Water Res.	<b>Develop engineering standards and street design guidelines</b>	✓		✓	Contract out development of standards, guidelines that will efficiently direct future investments. May initially focus on downtown for TIF streetscape investments.	Recommend adoption of standards to Council	Adoption of standards
15	Tech Services	<b>Complete division re-organization</b> and support teams through transition to best position Division to respond to current and future needs	✓	✓	✓	High performing department effectively delivers projects and services. Be an employer of choice. Revised job descriptions and org charts go to Board of Finance and Council for approval.		Re-organization accomplished.
16	Tech Services, Water Res.	<b>Increase technical staff capacity</b> in Technical Services and Water Resources	✓	✓		Teams have resources to tackle additional capital projects (incl downtown TIF) identified in the City's capital plan.		Staffing needs met with appropriate staff resources. Additional metric forward could include report on projects completed.
17	Traffic	<b>Substantially complete Phase II of major capital repairs in garages</b>	✓	✓		Assessment-recommended capital repairs underway to extend lifespan of aging municipal garages. <b>Complete \$6M+ investments by end of FY'17.</b>	Review and provide input on funding strategy	Short term capital repairs completed
18	Traffic	<b>Implement comprehensive upgrade to garage operations including an enhanced PARCS system</b>				<b>New PARCS system allows for greater automation of garages, transition of attendants to ambassadors, new validation program, and new lease options for customers.</b>	Review and approve new lease and rate changes	Increased net income from the garages.
18	Traffic	<b>Implement downtown parking improvements</b> -- Phase II policy and funding recommendations from Downtown Parking Study	✓	✓		Improve the customer experience while also enhancing the sustainability of our parking system. <b>Replace / upgrade PARCS system. Charter change for broader transportation uses of Traffic Fund.</b>	Review and approve changes	Phase II policy and rate changes implemented
19	CIO, Tech Services	<b>Assist completion of permit reform report and begin implementation</b>	✓	✓	✓	Led by CIO. Inspection Services will be actively engaged.		Plan substantially complete
22	Maintenance, CT, Parks	<b>Explore City-wide fleet model</b> for managing City's vehicles			✓	<b>Launch pilot to share DPW and Parks administrative fleet.</b> Consultant reviews existing structure and makes recommendations for future to Administration & Council. May also include review of City's facility maintenance structure <b>and BSD fleet.</b>	Review provide feedback on study	Study of fleet (and facility?) structure underway in FY'16
23	Traffic, Water Resources, CT office, Schools	<b>Improve cost allocations</b> between DPW and other departments (ie. have Water credited for fire protection service, end payment for parking enforcement, transfer crossing guard program to schools)	✓			More appropriate cost allocations between departments / funds. Would enable Traffic and Water divisions to better reinvest in their systems.		FY'17 budget has fairer allocation of costs
24	Water Resources	<b>Revise Chapter 26 Ordinance and Stormwater manual</b> -- will likely be a targeted strategy under Integrated Plan	✓			Be transparent, fair and flexible with development, without missing op's for capture and mitigation; incentivize management on private properties. Adoption of stormwater standards, with alternative compliance mechanisms; creation of Stormwater Manual.		Manual updated
25	Water Resources	<b>Develop capital plans</b> for stormwater and wastewater infrastructure -- including a comprehensive assessment of existing assets and future biosolids handling/processing needs	✓			This will allow project, rate planning and coordination of work for collection system with capital street program. <b>Procure consultant to determine how best to deal with sludge (in partnership with CSWD).</b>	Review as part of City capital plan	Capital plans complete for Wastewater and Stormwater

## FY'17 Key Initiatives -- Burlington DPW

27	Water Resources	<b>Integrated Water Quality Management Plan development</b>	✓	✓	✓	Advance planning necessary to develop an Integrated Water Quality Management Plan which outlines how the City will meet its various Clean Water Act regulatory obligations and its local water quality priorities. Continue conversations with VTDEC related to near term permitting needs.	Review interim elements and final Integrated Plan	Obtain SRF funding. Completion of interim project milestones such as: Wet weather/stormwater master plan, selection of 35 high priority projects, completion of financial capability analysis. Completion and submission of Integrated Plan to VTDEC. Possible acquisition of Integrated Permit as appropriate.
29	Water Resources	<b>Project and establish sustainable rate structure</b> for Water, Wastewater and Stormwater	✓	✓		Develop a multi-year rate structure that will balance future budgets while accomplishing the division's goals.	Review proposed rate structure, recommend to Council	Rates clearly tied to need and adopted.
30	Water Resources	<b>Comply with TMDL (Total Maximum Daily Load) regulations</b> -- continue chemical trial at Main & North WW for compliance in advance of new permits to comply with TMDL regulations for phosphorous reduction	✓		✓	Obtain reasonable Main WW discharge permit in early FY'17. Continue optimization efforts to help us reach compliance.	Monitor policy and understand cost impact	Track/develop cost per pound of P removed via Ferric versus Alum.
31	Water Resources (tentative)	<b>Improve compliance with Stormwater sections of Chapter 26 ordinance</b> through increased site inspections of construction sites and post-construction practices.	✓	✓		Through a possible increase of staff resources, increase compliance inspections for construction erosion prevention and sediment control practices and post-construction practices. Complete development of formal process of recording maintenance and access agreements for post-construction stormwater practices. Ensure that public projects are also compliant with Chapter 26. Increase # of contractor trainings. This will key to our "taking credit" for our local stormwater program in a number of regulatory venues.		# of construction and post-construction compliance inspections.
32	Water Resources (tentative)	<b>Achieve delegated authority for local administration of Wastewater, Water Supply permits and possibly State Stormwater permits</b> (if State drops threshold to 0.5 acre)		✓		This will result in improved customer service if Burlington is able to serve as more of a "one stop shop" for permits that otherwise are administered by a State office. Additionally, much of the work/review is <u>already performed by city staff</u> - this would provide a mechanism for collecting revenue (application fees) to support that review. It may also provide a mechanism for the re-establishment of connection fees/impact fees and would provide for staff resources to do technical inspection of connections to our sewer collection system (which is not currently occurring) This would require an additional staff person, but this function might be able to be combined with Chapter 26 improvement efforts (see Metric #31)	Review creation of "program" and request for delegation to the State.	Ability to issue Water and Wastewater permits directly to property owners.